FEDERAL SCRIPT REGISTER

VOLUME 9

# Washington, Wednesday, April 12, 1944

# Regulations

# TITLE 7-AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 9. Revocation]

PART 1450-TOBACCO

1942 CROP EASTERN FIRE-CURED, WESTERN FIRE-CURED, AND GREEN RIVER TOBACCO

Food Distribution Order No. 9 (8 F.R. 999), issued by the Secretary of Agriculture on January 20, 1943, is revoked as of 12:01 a. m., e. w. t., April 10, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 9, prior to the effective date of this revocation, all provisions of said Food Distribution Order No. 9 in effect prior to this revocation shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of April 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-5100; Filed, April 10, 1944; 3:26 p. m.]

[FDO 23, as Amended, Revocation]
PART 1465—FISH

RESTRICTIONS ON THE SALE OF SPECIFIED

Food Distribution Order No. 23 (8 F. R. 2250, 2529), issued by the Secretary of Agriculture on February 19, 1943, as amended, is revoked as of 12:01 a. m., e. w. t., April 10, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 23, as amended, prior to the effective date of this revocation, all provisions of said Food Distribution Order No. 23,

as amended, in effect prior to this revocation, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 8th day of April 1944.

Assistant War Food Administrator.

[F. R. Doc. 44-5101; Filed, April 10, 1944; 3:26 p. m.]

# TITLE 19—CUSTOMS DUTIES

Chapter I-Bureau of Customs

[T. D. 51036]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR VESSELS' SUPPLIES AND EQUIPMENT

Section 8.15 (a), Customs Regulations of 1943 (19 CFR 8.15 (a)), is hereby amended by adding thereto a new item numbered (21) reading as follows:

(21) Merchandise imported as supplies, stores, or equipment of the importing vessel and subsequently made subject to entry pursuant to the provisions of section 446. Tariff Act of 1930.

Section 8.15 (b), Customs Regulations of 1943 (19 CFR 8.15 (b)), is hereby amended by deleting item numbered (1) and the first three lines of item numbered (2); by inserting in line one after the word "below" the following: "imported from countries contiguous to the continental United States, when unconditionally free of duty or subject only to a specific rate of duty not depending on value";

and by numbering from (1) to (5), inclusive, the items listed.

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# NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

Book 1: Titles 1-3 (Presidential documents) with tables and index. Book 2: Titles 4-9, with index. Book 3: Titles 10-17, with index.

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(Sec. 484, 46 Stat. 722, 759, sec. 12, 52 Stat. 1083, sec. 498, 46 Stat. 728; 19 U.S.C. 1484, 1498, 1624)

W. R. JOHNSON. Commissioner of Customs.

Approved: April 7, 1944.

HERBERT E. GASTON.

Acting Secretary of the Treasury.

[F. R. Doc. 44-5102; Filed, April 10, 1944; 3:37 p. m.]

# TITLE 31-MONEY AND FINANCE: TREASURY

# Chapter I-Monetary Offices

[General License H-1]

PART 132-GENERAL LICENSES UNDER EX-ECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

AUTHORIZATION OF TRANSACTIONS; TIONALS OF BLOCKED COUNTRIES

# SEPTEMBER 13, 1943.

General License No. H-1, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds

§ 132.3 General License H-1. (a) A general license is hereby granted authorizing any national of a blocked country to engage in transactions (including the importing of goods, wares and merchandise from the continental United States) incident to the normal conduct of the professional, commercial, or agricultural activities of such national in the Territory of Hawaii.

(b) With respect to any enterprise controlled by an enemy national or in which an enemy national has a substantial interest, this general license shall not be deemed to authorize:

(1) Any purchase, sale, transfer or other dealing in, or with respect to, se-

curities or fixed assets;

(2) Any modification in capital struc-

(3) Any loan other than loans incident to the financing of an importation into the Territory of Hawaii;

(4) Any unusual accumulation of inventory;

(5) Any payment of dividends or bonuses other than bonuses to bona fide employees in an annual amount not exceeding the equivalent of one month's

(6) Any payment or transfer of credit from a blocked account in any banking institution not within the Territory of

Hawaii.

(c) Any person exercising the privileges of this general license shall file such reports as may from time to time be required by the Office of the Governor of Hawaii, Foreign Funds Control.

(d) This section shall not be deemed to authorize any transaction which could not be effected without a license if the person exercising the privileges of this section were not a national of a blocked country.

(e) Attention is directed to the provisions of Public Circular No. H-6, as

amended.1

INGRAM M. STAINBACK, [SEAL] Governor of Hawaii.

[F. R. Doc. 44-5035; Filed, April 8, 1944; 2:55 p. m.]

# [General License H-2]

PART 132-GENERAL LICENSES UNDER EX-ECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

AUTHORIZATION OF PAYMENTS AND TRANSFERS OF CREDIT FROM BLOCKED ACCOUNTS

OCTOBER 20, 1943.

General License No. H-2, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 132.4 General License H-2. (a) A general license is hereby granted authorizing payments and transfers of credit in reasonable amounts from blocked accounts in any banking institution within the Territory of Hawaii in which a national of a blocked country residing in the Territory of Hawaii has an interest: Provided, That such payments and transfers of credit shall be used only for the living and personal expenses of such national and the members of his household.

<sup>1</sup> Infra.

(b) This section shall not be deemed to authorize any transaction in which any of the following has an interest:

A civilian interned for the duration of the war;

(2) An enemy national:

(3) A national of a blocked country residing outside the Territory of Hawaii.

(c) Any banking institution making payments or transfers of credit pursuant to this section shall satisfy itself that the foregoing terms and conditions are complied with.

(d) Attention is directed to the provisions of Public Circular No. H-5, as

amended.1

ERNEST K. KAI, Acting Governor of Hawaii.

[F. R. Doc. 44-5036; Filed, April 8, 1944; 2:56 p. m.]

### [General License H-91

PART 132—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

TRANSACTIONS WITH RESPECT TO BLOCKED LIFE INSURANCE POLICIES

### SEPTEMBER 7, 1943.

General License No. H-9, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 132.11 General License H-9. (a) A general license is hereby granted authorizing the following transactions with respect to any blocked life insurance policy in which the only blocked interest is that of one or more nationals of a blocked country residing in the Territory of Hawaii:

(1) The issuance, servicing or transfer

of any such policy:

(2) Upon the death of the insured, the payment to any beneficiary of the benefit to which he is entitled under the terms of any such policy;

Provided, however, That this section shall not be deemed to authorize (i) any payment by the insurer to a national of a blocked country unless payment is made for deposit in a blocked account in a domestic bank in the Territory of Hawaii in the name of the national who is the ultimate beneficiary thereof; (ii) any transaction with respect to any blocked life insurance policy in which an internee has an interest; (iii) any payment to the insurer from any blocked account in which an enemy national or an internee has an interest, or from any other blocked account except a blocked account of the insured or beneficiary; or (iv) any transaction with respect to any blocked life insurance policy issued by a life insurance company or other insurer which is a national of a blocked country or which is not doing business or effecting insurance in the United States.

(b) As used in this section:

(1) The terms "blocked life insurance policy", "blocked interest", "servicing" and "transfer" shall have the respective meanings prescribed in paragraph (d) of General License No. 86 (§ 131.86 (d)).

(2) The term "internee" shall mean any civilian interned for the duration of

the war.

Ingram M. Stainback, Governor of Hawaii.

[F. R. Doc. 44-5037; Filed, April 8, 1944; 2:56 p. m.]

# [General License H-12]

PART 132—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

CERTAIN INDIVIDUALS, PARTNERSHIPS, ETC., DESIGNATED AS GENERALLY LICENSED NA-TIONALS

General License No. H-12, under Executive Order No. 8389, April 10, 1940, as amended, and regulations issued pursuant thereto, relating to transactions in foreign exchange, etc.

§ 132.14 General License H-12. (a) A general license is hereby granted licensing as a generally licensed national:

(1) Any individual residing in the Territory of Hawaii on February 23, 1942, who registered as a subject of Korea under the Alien Registration Act of 1940; and

(2) Any partnership, association, corporation, or other organization which is a national of Japan solely by reason of the interest therein of a person or persons licensed herein as generally licensed nationals.

(b) This section shall not be deemed to suspend, cancel, or otherwise modify in any way the requirements of the order or regulations relating to reports on Form TFR-300.

(c) This section shall not be deemed to license as a generally licensed national:

(1) Any individual who on or since the effective date of the order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof:

(2) Any individual who is a national of a blocked country by reason of any fact other than that such individual has been domiciled in, or a subject, citizen, or resident of a blocked country at any time on or since the effective date of the order; or

(3) Any individual who enters a blocked country after February 23, 1942.

J. B. POINDEXTER, Governor of Hawaii.

[F. R. Doc. 44-5038; Filed, April 8, 1944; 2:56 p. m.]

[General License H-16]

PART 132—GENERAL LICENSES UNDER EX-ECUTIVE ORDER, NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

AUTHORIZATION OF PAYMENTS AND TRANSFERS OF CREDIT FROM BLOCKED ACCOUNTS

JUNE 28, 1943.

General License No. H-16, as amended, under Executive Order No. 8389, as amended, and section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 132.18 General License H-16. (a) A general license is hereby granted authorizing payments and transfers of credit not exceeding a total of \$180 in any one calendar month from blocked accounts in any banking institution in the Territory of Hawaii in which a civilian internee in the Territory of Hawaii has an interest: Provided, That the following terms and conditions are complied with:

(1) Not more than \$10 in any one calendar month shall be forwarded for credit to the internee's personal account in the internment camp;

(2) Not more than \$20 in any one calendar month shall be used for purchases previously approved by the Commanding Officer of the internment camp for the personal benefit of the internee; and

(3) Not more than \$150 in any one calendar month shall be used to support the members of the internee's household and to meet his current obligations outside the internment camp, such as insurance premiums and mortgage payments.

(b) No internee shall be entitled to the privileges of this section until he has completed and filed with the Commanding Officer of his internment camp an internee report on Form TFR-30.

(c) Checks or other withdrawal orders drawn pursuant to this section against an account in which an internee has an interest shall be signed by any person with signing authority against such account: Provided, however, That such checks or other withdrawal orders shall not be signed by the internee himself.

(d) Any banking institution making payments or transfers of credit pursuant to this section shall satisfy itself that the foregoing terms and conditions are complied with.

(e) Attention is directed to the provisions of Public Circular No. H-5.3

[SEAL] INGRAM M. STAINBACK, Governor of Hawaii.

[F. R. Doc. 44-5039; Filed, April 8, 1944; 2:56 p. m.]

1 Infra.

58 132.6 and 132.

[General License H-19]

PART 132.—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

TRANSACTIONS WITH RESPECT TO REAL OR PERSONAL PROPERTY; NATIONALS OF BLOCKED COUNTRIES RESIDENT IN HAWAII

NOVEMBER 8, 1943.

General License No. H-19, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 132.210 General License H-19. (a) A general license is hereby granted authorizing all transactions incident to the purchase, sale, or transfer of real or personal property to or by any national of a blocked country resident in the Territory of Hawaii.

(b) Within ten days after any purchase, sale, or transfer herein authorized has been completed, any national of a blocked country exercising the privileges of this section shall file a report in duplicate on Report Form C with the Office of the Governor of Hawaii, Foreign Funds Control, containing all details pertinent to the transaction.

(c) This section shall not be deemed to authorize any transaction in which any of the following has an interest:

(1) A civilian interned for the duration of the war;

(2) An enemy national;

(3) A national of a blocked country residing outside the Territory of Hawaii.

[SEAL] ERNEST K. KAI,
Acting Governor of Hawaii.

[F. R. Doc. 44-5040; Filed, April 8, 1944; 2:56 p. m.]

[Public Circular H-1]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

JAPANESE IN TERRITORY OF HAWAII

DECEMBER 15, 1941.

Public Circular No. H-1, under Executive Order No. 8389, April 10, 1940, as amended, and regulations issued pursuant thereto, relating to transactions in foreign exchange, etc.

United States citizens in the Territory of Hawaii who have not expatriated themselves from Japan are regarded as having the same status under Executive Order No. 8389, as amended, as they would have if they had so expatriated themselves.

[SEAL]

J. B. POINDEXTER, Governor of Hawaii.

[F. R. Doc. 44-5029; Filed, April 8, 1844; 2:54 p. m.]

[Public Circular H-3]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

NATIONALS OF JAPAN

JANUARY 15, 1942.

Public Circular No. H-3 under Executive Order No. 8389, April 10, 1940, as amended, and regulations issued pursuant thereto, relating to transactions in foreign exchange, etc.

In view of the issuance of Public Circular No. 8A by the United States Treasury Department, Washington, D. C., General License No. H-4 and General License No. H-5 are hereby revoked. Notwithstanding the provisions of Public Circular No. 8A, General License No. 11 shall not be deemed to apply to nationals of Japan in the Territory of Hawaii.

[SEAL]

J. B. POINDEXTER, Governor of Hawaii.

[F. R. Doc. 44-5030; Filed, April 8, 1944; 2:54 p. m.]

[Public Circular H-4]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

U, S. WAR SAVINGS BONDS IN BLOCKED
ACCOUNTS

NOVEMBER 21, 1942.

Public Circular No. H-4, under Executive Order No. 8389, as amended, and section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act 1941, relating to foreign funds control.

Any United States War Savings Bond heretofore deposited in a blocked account pursuant to General License No. H-8 may now be delivered to the owner named thereon, Provided, That the inscription "Subject to Executive Order No. 8389, as amended", is added to such bond in capital letters immediately above the name of the registered owner by a domestic bank, savings and loan association, or federal credit union which is an authorized issuing agent for such bonds, and Provided further, That the procedure authorized by the Treasury Department in such cases is followed in all other respects.

[SEAL] INGRAM M. STAINBACK, Governor of Hawaii.

[F. R. Doc. 44-5031; Filed, April 8, 1944; 2:54 p.m.]

[Public Circular H-5]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

PAYMENTS AND TRANSFERS OF CREDIT TO NATIONALS OF BLOCKED COUNTRIES

OCTOBER 20, 1943.

Public Circular No. H-5, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with

the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) Reference is made to General License No. H-2, as amended on October 20, 1943.

(2) Any employer in the Territory of Hawaii is a "banking institution" within the meaning of General License No. H-2, insofar as such employer holds credits in the form of wages, salaries, commissions, or pensions for the account of his employees who are nationals of a blocked country. Accordingly, employers in the Territory of Hawaii may make payments and transfers of credit to their employees who are such nationals: Provided, That such payments and transfers of credit are effected in accordance with the terms and conditions of General License No.

(3) Reference is made to General License No. H-16 relating to the living and personal expenses of civilian internees in the Territory of Hawaii.

(4) The privileges of General Licenses Nos. 11, 12, 32, 33, 71, and 75 shall not be deemed applicable to any account in a banking institution in the Territory of Hawaii in which a civilian interned for the duration of the war has an interest. Attention is directed to the fact that by the terms of General Licenses Nos. 28 and 42 civilian internees are excluded from their provisions.

[SEAL] ERNEST K. KAI,
Acting Governor of Hawaii.

[F. R. Doc. 44-5034; Filed, April 8, 1944; 2:54 p. m.]

[Public Circular H-6]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

NATIONALS OF JAPAN AND ENTERPRISES CON-TROLLED BY ENEMY NATIONALS

SEPTEMBER 13, 1943.

Public Circular No. H-6, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

(1) Reference is made to General License No. H-1, as amended on September 13, 1943.

(2) Nationals of Japan engaging in professional, commercial or agricultural activities in the Territory of Hawaii may do so only pursuant to the provisions of General License No. H-1, as amended, or specific licenses issued by the Office of the Governor of Hawaii, Foreign Funds Control.

(3) Any enterprise controlled by an enemy national or in which an enemy national has a substantial interest, which is operating under the provisions

[32.3]

of General License No. H-1, shall file reports with the Office of the Governor of Hawaii, Foreign Funds Control, under the following circumstances:

(a) An affidavit in response to Questionnaire Form TFBE-1 shall be filed

by:

(i) Any individual or partnership having a current gross income of \$5,000 or more per month;

(ii) Any association, corporation or

other organization;

Provided, however, That any person who has filed an affidavit in response to Questionnaire Form TFBE-1 shall not be required to file an affidavit pursuant to

this subdivision;

(b) An affidavit in response to Questionnaire Form HBE-1 shall be filed by any individual or partnership having a current gross income of \$500 or more per month but less than \$5,000 per month, Provided, however, That any person who has filed an affidavit in response to Questionnaire Form TFBE-1 shall not be required to file an affidavit pursuant to this subdivision;

(c) A balance sheet as of December 31 of the preceding calendar year and a profit and loss statement for the preceding calendar year shall be filed annually in triplicate, on or before March 1 by any person having a current gross income of \$6,000 or more per year;

(d) A report on Form H-1R setting forth the details of the transactions engaged in during the preceding calendar month shall be filed monthly not later than the tenth day of the month by any person having a current gross income of

\$5,000 or more per month;

(e) A report on Form H-1R setting forth the details of the transactions engaged in during the preceding quarterannual period shall be filed quarter-annually not later than the tenth day of the months of January, April, July and October by any person having a current gross income of \$500 or more per month but less than \$5,000 per month;

(f) A report on Form C shall be filed immediately after any order is placed for the importation of any goods, wares and merchandise into the Territory of

Hawaii, stating:

(i) The name and address of the person from whom the goods, wares and merchandise have been ordered; (ii) The name and address of the

ultimate consignee;
(iii) The nature, quantity and value of the import;

(iv) The terms of payment; (v) The method of shipment;

(vi) The disposition intended to be made of the import upon its arrival in the Territory of Hawaii; and

(vii) The full details of any loan incident to the financing of the import.

(4) Any person delivering goods, wares and merchandise imported by or for the account of any enterprise controlled by an enemy national or in which an enemy national has a substantial in-

terest, and which is operating pursuant to General License No. H-1, shall release such goods, wares and merchandise only upon surrender by such enterprise of a copy of the report on Form C bearing a stamp noting the approval of the Office of the Governor of Hawaii.

INGRAM M. STAINBACK, [SEAL] Governor of Hawaii.

[F. R. Doc. 44-5032; Filed, April 8, 1944; 2:55 p. m.]

(Public Circular H-71

PART 133-REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

FILING OF APPLICATIONS FOR LICENSES IN TERRITORY OF HAWAII

SEPTEMBER 16, 1943.

Public Circular No. H-7 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Notwithstanding Public Circular No. 23, applications for licenses under Executive Order No. 8389, as amended, should continue to be filed in triplicate in the

Territory of Hawaii.

INGRAM M. STAINBACK, Governor of Hawaii.

[F. R. Doc. 44-5033; Filed, April 8, 1944; 2:55 p. m.]

[General Ruling H-1, as Amended]

PART 133-REGULATIONS OF THE GOVERNOR OF HAWAII, APPENDIX

SAFE DEPOSIT BOXES

SEPTEMBER 27, 1943.

General Ruling No. H-1, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Ruling No. H-1 is hereby amended to read as follows:

The provisions of paragraph (2) (b) of General Ruling No. 16 shall not be deemed applicable with respect to safe deposit boxes in the Territory of Hawaii except to the extent that such boxes contain property in which any of the following has an interest:

(a) A civilian interned for the duration of the war;

(b) An enemy national;

(c) A national of a blocked country residing outside the Territory of Hawaii.

INRGAM M. STAINBACK, [SEAL] Governor of Hawaii.

[F. R. Doc. 44-5028; Filed, April 8, 1944; 2:54 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX-War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter Issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010-SUSPENSION ORDERS

[Suspension Order S-495, Amdt. 1]

HOPE WEBBING CO., INC.

Hope Webbing Company, Inc., Pawtucket. Rhode Island, is a manufacturer chiefly of cotton fabrics, and in addition it has made jute fabrics for a single customer. Suspension Order No. S-495, effective February 29, and expiring June 29, 1944, prohibits putting into process any cotton, rayon, jute or cotton, rayon or jute products except to fill orders rated AA-3 or higher.

It appears that Suspension Order S-495 has affected certain orders, which the company receives, in a manner not contemplated at the time Suspension Order S-495 was recommended. These facts were brought to the attention of the Chief Compliance Commissioner, who on April 4, 1944, directed that the restrictions contained in paragraph (a) of the suspension order should not apply to the putting into process of cotton yarn to manufacture wrapping tape for use as an operating supply for vulcanizing processes, or to manufacture products listed in General Conservation Order M-317 for which paragraph (b) of that order assigns a rating of AA-2X or higher for the delivery of cotton yarn.

In view of the foregoing, It is hereby ordered, That:

Section 1010.495 Suspension Order S-495 issued February 29, 1944, be, and hereby is, amended by adding the following:

(d) The restrictions contained in paragraph (a) of Suspension Order S-495 shall not apply to the putting into process of cotton yarn to manufacture wrapping tape for use as an operating supply for vulcanizing processes, or to manufacture products listed in General Conservation Order M-317 for which paragraph (b) of that order assigns a rating of AA-2X or higher for the delivery of cotton yarn.

Issued this 10th day of April 1944. WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-5104; Filed, April 10, 1944; 4:32 p. m.]

PART 1226-GENERAL INDUSTRIAL EQUIP-MENT

[General Conservation Order L-89, Interpretation 2]

ELEVATORS AND ESCALATORS; ORDERS FOR MATERIAL AND LABOR EXCEEDING \$500

The following interpretation is issued with respect to General Conservation Order L-89:

Some question has arisen as to whether an order rated as AA-5 or higher pursuant to CMP Regulation 5 or 5A is an "approved order" as defined in paragraph (a) (4) (ii) of Order L-89 if material alone cost less than \$500 but material and labor installation together exceed \$500. An order for material costing less than \$500, other than material to be incorporated in a minor capital addition or capitalized under CMP Regulation 5 or 5A is an approved order, as defined in Order L-89, even though the cost of both material and labor exceeds \$500 and even though installation is made by the seller of the material as a normal business practice under a single fee for both material and labor. However, an MRO order for material costing less than \$500, which will be in-corporated in a minor capital addition or capitalized under CMP Regulation 5 or 5A, is not an approved order, as defined in Order L-89, if the material and labor together amount to more than \$500 and the installation is made by the seller of the material as a normal business practice under a single fee. (See Interpretations 8 and 11 to CMP Regulation 5.)

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

IF. R. Doc. 44-5076; Filed, April 11, 1944; 11:53 a. m.l

PART 3102-NATIONAL EMERGENCY SPECIFI-CATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Schedule 15 as Amended Apr. 11, 1944]

HOT-ROLLED CARBON STEEL BARS

§ 3102.16 Schedule 15 to Limitation Order L-211-(a) Definitions. For the purpose of this schedule:

(1) "Hot-rolled carbon steel bars" means carbon steel bars in either straight bar or coil form produced from billets or blooms by hot-rolling, without subsequent processing for accuracy of crosssection or to impart special surface fin-The term does not include tool ishes. steel bars or concrete reinforcement

(2) "Bars" means rounds, squares, round-cornered squares, hexagons, ovals, half-ovals, half-rounds, flats (13/64 inch or over in thickness and 6 inches and under in width), and bar size shapes (angles, channels, and tees under 3 inches on both legs). Rounds, squares, hexagons and flats having dimensions in excess of those shown in Table 1 of this schedule are classified as forgings or plates and are not within the scope of this definition.

(3) "Carbon steel" means steel other than alloy steel as defined in Order M-21-a.

(b) Restrictions on sizes. No person shall produce or deliver hot-rolled carbon steel bars of any type listed in Table 1 within the range of sizes there listed. except in the sizes listed in that table.

(c) Acceptance of delivery. No person shall accept delivery of any hotrolled carbon steel bars which he knows or has reason to believe have been produced or delivered in violation of the provisions of paragraph (b) of this schedule.

(d) Exceptions. The provisions of this schedule shall not prevent:

(1) Production, delivery, or acceptance of hot-rolled carbon steel bars for which an order was entered prior to September 30, 1943, provided shipment of the entire order is made on or before December 31, 1943.

(2) Delivery or acceptance of hotrolled carbon steel bars which because of errors in manufacture do not conform to the requirements of this schedule, providing such requirements are waived by the purchaser.

(3) Production, delivery, or acceptance of hot-rolled carbon steel bars specifically permitted in writing by the War Production Board.

(e) Records. Each person owning or possessing hot-rolled carbon steel bars excepted by the provisions of paragraph (d) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 11th day of April 1944. WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

TABLE 1-PERMISSIBLE NOMINAL SIZES AND TOLERANCES

Sizes (All dimensions in inches)

Rounds (Including bolting materials):

1/4 to 57/64 incl., advancing by sixty-fourths. 2952 to 2552 incl., advancing by thirty-sec-

21/16 to 41/16 incl., advancing by sixteenths. 41/8 to 61/8 incl., advancing by eighths. 61/4 to 81/4 incl., advancing by fourths.

Bolt and rivet sizes: 0.865 0.365 0.445 0.912 1.297 0.990 1.360 1.422 0.615 1.047 0.680 1 110 1.485 0.740 1.172 Heat treated stud rounds:

0.507 0.883 1.261 0.632 1.009 1 387 1.514 0.758 1.135

1/4 to 19/32 incl., advancing by thirty-seconds. 1%6 to 4%6 incl., advancing by sixteenths. to 51/2 incl., advancing by fourths.

Round-corner squares: (sizes, face-to-face):

3% to ½ incl., advancing by thirty-seconds: Nominal Corner Radii ¼6. 1½2 to 1¾6 incl., advancing by thirty-seconds; Nominal Corner Radii ¾2.

27/32 to 115/32 incl., advancing by thirty-seconds; Nominal Corner Radii 1/8.

11/2 to 115/16 incl., advancing by sixteenths; Nominal Corner Radii 1/4.

2 to 21/16 incl., advancing by sixteenths;
Nominal Corner Radii 1/16.

to 2% incl., advancing by sixteenths; Nominal Corner Radii 3/8.

Round-corner squares (sizes, face-to-face)-Continued.

3 to 3% incl., advancing by eighths; Nom-inal Corner Radii 7/16.

inal Corner Radii %6.

3½ to 3% incl., advancing by eighths;
Nominal Corner Radii ½.

4 to 4¼ incl., advancing by fourths; Nominal Corner Radii 5%.

4½ to 5½ incl., advancing by fourths;
Nominal Corner Radii ¾.

Note: Round-corner square bars shall be rolled to dimensions and dimensional tolerances, not to weights per linear foot.

 $\frac{1}{4}$  to  $\frac{21}{16}$  incl., advancing by sixteenths.  $\frac{21}{16}$  to  $\frac{41}{16}$  incl., advancing by sixteenths. to 21/32 incl., advancing by thirty-seconds. Square-edge flats:

Widths:

% to 1 incl., advancing by sixteenths. Over 1 to 3 incl., advancing by eighths. Over 3 to 6 incl., advancing by fourths. Thicknesses:

13%4 and 1/32 incl., advancing by sixtyfourths.

Over 1/2 to 1/2 incl., advancing by thirtyseconds.

Over 1/2 to 11/4 incl., advancing by sixteenths.

Over 11/4 to 4 incl., advancing by eighths. Flats approaching square shall have an ordered difference between the two dimensions of at least:

1/8 inch for sizes up to and including 1 inch in width.

1/4 inch for sizes over 1 inch to 2 inches incl., in width.

1/2 inch for sizes over 2 inches in width. Round-edge flats:

Widths:

1/2 to 1 incl., advancing by eighths.  $1\frac{1}{4}$  to  $2\frac{1}{2}$  incl., advancing by fourths.

3 to 6 incl. advancing by halves. Thicknesses:

1/4 to 1/2 incl., advancing by sixteenths. % to 1 incl., advancing by eighths.

Note: When intended for cold-drawing, the ordered sizes of flats (square-edge or round-edge) may be increased over the above listed sizes by 1/32" or 1/16" in width, thickness or both, and the rolling tolerances may be as agreed on between buyer and seller.

Round-edge flat spring steel:

Widths:

11/4 to 3 incl., advancing by fourths. 31/2 to 8 incl., advancing by halves. Thicknesses:

1364 to 3/4 incl., advancing by sixtyfourths.

25/32 to 1 incl., advancing by thirty-seconds.

Automotive round-edge leaf-spring flats:

1¼ to 2½ incl., advancing by fourths. 3 to 6 incl., advancing by halves. Thicknesses:

S. A. E. standard thicknesses expressed in inch-decimals, as follows:

0.132	0.440
0.102	0.447
0.145	0.499
0.160	0.558
0.176	0.625
0.194	0.702
0.214	0.788
0.237	0.887
0.262	0.999
0.291	1.127
0.323	1.273
0.360	1.440
0.401	

Note: Automotive leaf-spring flats shall be specified to the S. A. E. standard cross-sections as described on page 102 of S. A. E. Handbook 1943, in which no concavity is required but a limited concavity is per-

									1DL
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Nut-st									
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2						7/4 3	x %	à	
13/4							K 96		
11/2	x 7	16					K %		
11/4	x 7	16					x 1/4		
1	x 7	16				3/8 :	x 3/1	6	
Blunt	000	ils:							
5/8 X			14			16 X			
916 8						% X	1/8		
1/2 8	1/4					130			
Half o		3:						1	
31/2 x 7/									
3 x 3		t							
2½ x 5 2¼ x		2 1/16							
2 x		2. 7/16,	36						
1% x	-			916					
1½ x			3%,	916,					
1% x				%16,					
1¼ x				5/16,					
11/8 X			36,	5/16, 5/16,					
₹ x			751	5/16,					
34 X				3203		3/16			
58 X					1/4,	3/16			
1/2 X						3/16			
38 X							982		
Double	e-be	evel-e	dge	flat	s:				
Botto					-				
Widtl 21/2	x	Width 134	X	5/16	T	hick	enes	8	
21/4	X	11/2	X	916					
2	X	13%	x	516.	1/4				
134	x	11/4	x	516.					
11/2	X	1	X	916,					
11/4	X	1316		5/16,	14				
			x						
Round Wid		vel-ec		nickr				Corner	· wast
134	010	x	* 3	1/4	2000	x		1/2	1444
11/2		x		316		x		7/16	
11/4		x		3/8		x		3/8	
1		x		916		x		5/18	
34		. X		1/4		X		34	
Equal	leg	fillet	an	gles:					
214	x	21/2	X	1/2,	38.	5/16		%16	
2	X	2 134	x		38,	%16.	1/4.	%6, % %6, %	
134									
	X						14	340 16	
11/2	x	11/2	x				14,	3/16, 1/8	
11/2	x	11/2	x x				弘	% % % % % % % % % % % % % % % % % % %	
11/2	x	11/2	x				¥, ¥,	%16, 1/8 %16, 1/8 %16, 1/8	
11/2 11/4 11/8 1	xxx	11/2 11/4 11/8 1	xxxxx				¥, ¥,	%16, 1/8 %16, 1/8 %16, 1/8 %16, 1/8	
1½ 1¼ 1½ 1% 1 36 84	xxxxx	1½ 1½ 1½ 1 38 34	x x x x x				¥, ¥,	%16, 1/8 %16, 1/8 %16, 1/8 %16, 1/8 1/8	
1½ 1¼ 1½ 1 18 1 % 84 56	XXXXX	1½ 1¼ 1½ 1 1% 1 1% 1 56	x x x x x				¥, ¥,	% % % % % % % % % % % %	
1½ 1¼ 1½ 1½ 1 16 84 58 32	X X X X X X X	11/4 11/4 11/8 1 78 74 76 14	x x x x x x				¥, ¥,	%16, 1/8 %16, 1/8 %16, 1/8 %16, 1/8 1/8	
1½ 1¼ 1¼ 1% 1 1 % % % 54 58 1½ Unequ	X X X X X X X X	11/2 11/4 11/8 1 3/8 3/4 5/8 1/2 leg fil	x x x x x x let	angl		**	44, 44, 44,	% % % % % % % % % % % %	
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1½ 1¼ 1¼ 1% 1 % % % % ½ Unequ 2½ 2½	X X X X X X X X X X X X X X X X X X X	1½ 1¼ 1¼ 1% 1 % % ½ leg fil 2	x x x x x x x let x x	angl		1/4,	14. 14. 14. 3/16	% % % % % % % % % % % %	
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1½ 1¼ 1¼ 1% 1 % % % 56 1½ Unequ 2½ 2½ 2½	x x x x x x x x x x x x x	1½ 1¼ 1¼ 1% 1 % % ½ leg fil 2	x x x x x x let x x x	angl	5/16,	14, 14,	14. 14. 318 318	346, 16 316, 16 316, 16 316, 16 316, 16 16 16	
1½ 1½ 1½ 1½ 1½ 1% 18 58 5½ 59 5½ 5½ 5½ 5½ 2½ 2½ 2½ 2½ 2½ 2½ 2½	X X X X X X X X X X X X X X X X X X X	1½ 1½ 1½ 1½ 1 36 34 56 1½ 1½ 1½ 1½ 1½ 1½ 1½	x x x x x x x x x x x x x x x x x x x	angl	5/16,	¼, ¼,	14. 14. 14. 16. 16. 16. 16. 16. 16.	346, 148 346, 148 346, 148 346, 148 346 148 148 148	
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%8 X

X

952

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Equal leg square root angles:
          134
                 x
          11/2
                x
                    14. 316. 18
       x 114
  11/4
                        %16, 1/s
                 ×
            34
Unequal leg square root angles:
       x 11/4 x x x x 1 x
Square back channels:
Width
         Flanges
                                  Web
                             8/16
  21/2 X
            15/32
  21/2
       x
                  X
          1
                             316, 1/8
                  x
            58
                          1/4
  2
                             3/16
       ×
            916
                                 1/8
       x
                  x
            152 1/2
  134
                             916
                     916
                         1/4
                             3/16
      X
            9/16
                  x
  11/6
  11/4
Square back channels:
                                   Web
Width
          Flanges
                             346
  11/8 X
            916
       x
       X
            %
%
    34
                                  #15 BWG (a)
       x
   1/2
       x
            34
  (a) Birmingham wire gage.
```

Nors: Dimensions in the above table are for width, flanges and web for each item. In a number of instances, however, more than one pattern is available and producers' lists should be consulted.

Box channel:

11/2		x	9	11/2		x		316	
Equal	tees	1:							
21/2	x	21/2	x	3%,	516	1/4			
214	x	21/4	x		1/4				
2	X	2	x	516	34				
134	x	134	A.K		14.	916			
11/2	x	11/2	x		34.	3/16			
114	x	114	X		1/4,	316.	1/8		
11/8	x	11/8	x				1/8		
1	x	1	x		(4)	3/16,	1/8		122
7/8	X	7/8	X				1/8		
- 84	X	3/4	x				1/8		
Unequ	ial t	ees:							
Flan	nge		St	em					
Wid	th		De	pth				Thi	ckness
21/2		X	1	23/32		K			3/16
2		x		11/2		x		1/4,	3/16
11/		*	-	11/		v		14	

Note: Dimensions in above lists of equal tees and unequal tees are over-all measurements of flange and stem, and thickness of both flange and stem at outer ends, flange and stem to have the same thickness. Profiles as made by different mills may differ in detail and producers' lists should be consulted.

### PERMISSIBLE VARIATIONS FOR DIMENSIONS AND WORKMANSHIP

Permissible size variations applicable to this schedule shall be those set forth as Standard Permissible Variations for Dimensions and Workmanship in Section 8, Hot, Rolled Carbon-Steel Bars; of the American Iron and Steel Institute Manual, Revision June 1943. Modification of the prescribed tolerances is not permissible; except that for bars purchased on Army, Navy or Federal Specifications, the tolerances set forth in such specifications may be applied.

#### INTERPRETATION 1

- (a) The term "hot-rolled carbon steel bars" as used in the schedule does not include:
  (1) Carbon file steel bars, which are con-
- sidered to be tool steel bars.
- (2) Wrought iron bars.
  (b) The restrictions of the schedule apply generally to production and delivery, not to use. For example, although carbon steel bars in the dimensions listed under the heading "Nut-Steel Flats" are chiefly used for the manufacture of nuts, the schedule does not prohibit the production or use for other pur-poses of sizes permitted under this category. (c) On the other hand, where a special
- quality or grade of steel is set forth in Table I, that type of steel may be furnished only in the dimensions listed. For example, the dimensions listed under the headings "Round Edge Flat Spring Steel" and "Automotive Round Edge Leaf Spring Flats" are applicable only to spring steel. Round edge flats in grades other than spring steel may not be produced in these dimensions, but must be produced only in the dimensions listed under the heading "Round Edge Flats." However, the rule stated in paragraph (b) of this interpretation is still applicable; spring steel purchased in accordance with the schedule may be used by the buyer for purposes other than

the manufacture of springs.
(d) "Mill Edge" or "Strip Edge Flats" are not listed as such in this schedule but the dimensions listed under the heading "Square Edge Flats" also apply to "Mill Edge" or "Strip Edge Flats."

(e) Attention is called to the note at the end of Table 1, relating to permissible variations. This provides that modification of the prescribed tolerances is not permissible. Hence, an order calling directly or indirectly for a narrower tolerance than is prescribed must not be produced or delivered. The only exception is with respect to flats for cold drawing, and this exception is set forth in the note following the list of permitted sizes of flats in Table 1 of the schedule. Dec. 20, 1943; amended Feb. 3, 1944)

[F. R. Doc. 44-5114; Filed, April 11, 1944; 11:53 a. m.]

PART 3175-REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, as Amended Feb. 2, 1944, Amdt. 1]

Section 3175.1 CMP Regulation No. 1 is amended as follows:

(1) Strike the period at the end of the first sentence of paragraph (j) (2) and add the following phrase: "and where he uses substantially the same trade-

mark or trade name."
(2) Insert, "Ref: CMP Division" after
"War Production Board" in the second sentence of paragraph (j) (2), strike the period at the end of the sentence and insert the following: "and furnishing one extra copy of such notification for each authorized production schedule that he has received from the War Production Board"

(3) Change the table in paragraph (L) (1) to read as follows:

Carbon steel (including wrought iron) and alloy steel 10 tons wire mill and brass mill products\_\_\_\_\_ 1,000 lbs. Copper and copper base alloy foundry products\_\_\_\_\_ 300 lbs Aluminum\_\_ ---- 2,000 lbs.

(4) Add the following sentence to paragraph (s-1): "This paragraph (s-1)

does not change the restrictions of CMP Regulation No. 2 relating to the acceptance of delivery of controlled material."

(5) Strike paragraph (t) (3) (ii) and insert the following note:

Note: Paragraph (t) (3) (ii) relating to sample orders revoked April 11, 1944. Persons desiring controlled materials for testing and experimental purposes may obtain them under the provisions of Order P-43.

(6) Add the following subparagraph (iv) following paragraph (t) (3) (iii):

(iv) An order for steel which a distributor would be authorized to fill under paragraph (d) (4) of CMP Regulation No. 4, when the order is filled only from mill stock and the producer customarily sells steel from his own stock.

(7) Change the word "purchased" in paragraph (v) to "acquired".

(8) Change Interpretation 20 by changing paragraph (a) (5) from "Office of Lend-Lease Administration" to read "Foreign Economic Administration."

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 44-5115; Filed, April 11, 1944; 11:53 a. m.]

PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS
[Preference Rating Order P-142, Direction 2]

AUTHORIZATION TO ORDER ADDITIONAL TRACK
MATERIALS

The following direction is issued pursuant to Preferred Rating Order P-142:

Under this direction, railroad operators may use the rating of AA-1 to order additional amounts of track materials for delivery during the third and fourth quarters of 1944, subject to the following conditions:

(1) For each of these two quarters, the additional amount must not exceed 20% of the total dollar value amount of track material to accompany new rail already authorized for the operator under P-142 for the particular quarter. (For example, a railroad operator who has been authorized to place orders for \$1,000 worth of track material to accompany new rail for delivery in the third quarter, and \$1,100 worth in the fourth quarter, is authorized by this direction to increase the former amount to \$1,200 and the latter amount to \$1,320).

(2) This direction covers only track materials as listed in paragraph (b) (2) of Order P-142, and not rail and track accessories (which are controlled materials). Also, the above 20% figure may be applied only against specific authorizations already issued to the railroad operator for track material to accompany new rail, as distinguished from track material for maintenance or other purposes.

(3) This direction applies only to railroad operators under P-142 (serial numbers below 1,000), and not to transit or other

operators.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-5116; Filed, April 11, 1944; 11:53 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Conservation Order M-319-a, Revocation]

BONDED AND COATED ABRASIVE PRODUCTS

Section 3274.92 Conservation Order M-319-a is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Conservation Order M-319-a.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-5117; Filed, April 11, 1944; 11:53 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99 as Amended Apr. 11, 1944]

### COTTON TEXTILE PRODUCTION

§ 3290.46 Limitation Order L-99—
(a) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) Operations of spindles and looms producing cotton textiles. Except as otherwise specifically directed in writing by the War Production Board, no person shall operate spindles or looms, except in accordance with the following requirements: (column references apply only within each of the number groups in Column I of the schedules of this order).

(1) The percentages, as stated in Column III, of the number of spindles or looms operated on or assigned to the cotton textiles listed in Column II, at the time or times specified in the heading of Column II, may produce only the cotton textiles specified in Column IV.

(2) The restrictions of paragraph (b) (1) shall be effective on the dates specified in Column V.

(c) Exceptions, (1) The restrictions of paragraph (b) shall not prohibit the manufacture of any construction in any group of lower pick than the lowest pick specified in Column IV as to such group, unless the War Production Board hereafter specifically so directs in writing. Any person affected by this paragraph (c) (1) shall immediately report such fact in writing to the War Production Board.

(2) [Deleted Dec. 24, 1943]

(d) Further restrictions. (1) No producer or converter of cotton textiles shall produce, convert or deliver cotton textiles and no person shall accept delivery of cotton textiles from a producer or converter, contrary to any specific direction which may be issued from time to time by the War Production Board.

(2) No person in the business of producing cotton yarns shall operate in the

calendar quarter beginning April 1, 1944 or in any subsequent calendar quarter at a rate of production which will result in a production of less cotton yarn than the greatest poundage of cotton yarn produced by him in any calendar quarter of 1943.

(e) [Deleted Dec. 24, 1943]

(f) Reports and records. All persons operating spindles or looms for the production of cotton textiles of any kind shall file with the War Production Board quarterly production reports on Form WPB 658-A, B, C, D and E. All persons affected by this order shall keep and preserve for a period of not less than two years, accurate and complete records concerning inventories, production and sales. The reporting requirements of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(g) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the

appeal.

An appeal for suspension of the requirement of paragraph (d) (2) may be made on the ground that compliance will result in production at a loss, provided that an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, the requirement of that paragraph for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

(h) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) Communications to the War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref., L-99.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

# FEDERAL REGISTER, Wednesday, April 12, 1944

# SCHEDULE A

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below in the period from January 2, 1943, to March 6, 1943, inclusive, and which may produce only the constructions specified in column IV	Percentages to be applied to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions specified in column IV	Constructions to be produced by looms specified in column H	Effective dates
1	Class A sheetings (constructions designated in lines 12 through 15 of Form WPB 658-B (12-31-42)).	100 percent	36" 48 x 44 2.85 yd 40" 48 x 44 2.85 yd 40" 48 x 44 2.85 yd Pro rata widths of like count and weight.	Apr. 20,1943
2	Class B sheetings (constructions designated in lines 16 through 21 of Form WPB 658-B (12-31-42)).	100 percent	40" 48 x 40 3.25 yd 40" 48 x 40 3.75 yd 37" 48 x 44 4.00 yd 40" 44 x 40 4.25 yd 31" 48 x 44 5.00 yd Pro rata widths of like count	Apr. 20, 1943
3	Class C sheetings (constructions designated in lines 22 through 33 of Form WPB #58-B (12- 31-42)).	100 percent	and weight.  38" 64 x 64 3.50 yd  38" 60 x 52 or 56 x 56 4.00 yd  38" 48 x 40 or 44 x 40 5.50 yd  36" 44 x 40 or 40 x 40 6.55 of.15 yd  40" 60 x 52 or 56 x 56 3.60 yd  40" 60 x 52 or 56 x 56 3.60 yd  40" 56 x 48 4.20 yd  40" 36 x 48 4.20 yd  Pro rata widths of like count and weight.  Bandoleer and Navy Mattress Cover Sheeting in lowest pickage consistent with specifications.	Apr. 20,1943
48	39" 80 x 80 4.00 yd. print cloth (constructions designated in line 75, and pro rata widths designated in lines 73, 79 and 80 of Form WPB 658-B (12/31/42). 39" 80 x 80 4.00 yd. print cloth	1234 per cent		Apr. 2, 1944
4b	line 75, and pro rata widths designated in lines 73, 79 and	123/2 percent	39" 68 x 64 4.85 yd. Pro rata widths of like count and weight.	Apr. 2, 1944
4c	30-42)). 39" 80 x 80 4.00 yd. print cloth (constructions designated in line 75, and pro rata widths designated in lines 73, 79 and	25 percent	3832" 64 x 56 5.50 yd Pro rata widths of like count and weight.	June 4, 194
5	ine 75, and pro rata widths designated in lines 73, 79 and 80 of WPB 688-B (12-31-42)). 89' 68 x 72 4.75 yd. print cloth (constructions designated in line 76, and pro rata widths designated in lines 73, 79 and 80 of Form WPB-658-B	100 percent	30" 68 x 64 4.85 yd Pro rata widths of like count and weight.	Apr. 20,1943
6	(12-31-42)).	100 percent	38½" 64 x 56 5.50 yd Pro rata widths of like count and weight.	Apr. 20, 1943
7	(12-31-42)).	100 percent	- 3834" 60 x 48 6.25 yd Pro rata widths of like count and weight.	May 1, 1943

# SCHEDULE B

	(T. 1)	(1.1. THE		C
Col. I	Column II	Column III Percentages to be ap-	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below in the period from April 3, 1943, to May 1, 1943, inclusive, and which may produce only the constructions specified in column IV	piled to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions speci- fied in column IV	Constructions to be produced by looms specified in column II	Effective dates
8	Genaburgs (constructions	100 percent	40" 38 or 40 sley, 24 to 26 pick,	Aug. 1, 1943
	Gsnaburgs (constructions designated in lines 1 through 7 of Form WPB 658-B (3-25-43)),		2.11 yd 36" 38 or 40 sley, 24 to 26 pick, 2.35 yd 36" 24 to 26 sley, 16 to 20 pick, 3.30 yd 40" 28 or 32 sley, 24 to 26 pick, 3.65 yd 30" 39 sley, 28 pick, 2.35 yd. Pro rata widths of like count and	
9	Window shade cloths (constructions designated in line 71 of Form WPB 658-B (3-25-43)).	100 percent	weight. Any width fabric of window shade quality woven from print cloth yarns in the following sley and pick per linch: 4x 40, 56 x 44, 56 x 52, 64 x 56, 72 x 68, 80 x 72. Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 10, 12, 13, 14 and 15, or any other construction specified in column IV of Groups 22 and 23.	June 15, 1943
	Pajama checks (construc- tions of which are desig- nated in line 81 of Form WPB 658-B (3-25-43)).	100 percent	3614" 80 x 80 4.27 yd 3914" 80 x 80 4.00 yd Pro rata widths of like count and weight. Or any other construction speci- fled in column IV of groups 4b, 4c, 5, 6, 7, 9, 12, 13, 14 and 15 or any other construction specified in column IV of Groups 22 and 23.	Aug. 1, 1943
12				was a series of
13	Carded broadcloths (con- structions designated in lines 85 through 88 of Form WPB 658-B (3-25-43)).	100 percent	print cloth yarns counting from 80 to 136 ends per inch and not in excess of 60 picks per inch. Or any other construction speci- fied in column IV of groups 4b, 4c, 5, 6, 7, 9, 10, 12, 14 and 15 or any other construction specified in column IV of Groups 22 and	
	Carded poplins (construc- tions designated in line 89 of Form WPB 658-B (3-22- 43)).	100 percent	Any width poplin woven with print cloth warp yarns in the following sley and pick per inch: 90 x 44, 100 x 44, 112 x 46.  Or any other construction specified in column IV of groups 4b, 4c, 5, 6, 7, 9, 10, 12, 13 and 15 or any other construction specified in column IV of Groups 22 and	
	other group in Schedule A, B or C (constructions designated in lines 73, 79, 80, 81 and 90 of Form WPB 658-B (3-25-43)).		Gauze diaper cloth	
	Birdseye diaper cloth (con- structions designated in line 70 of Form WPB 658- B (2-25-43))	100 percent	Birdseye diaper cloth	May 1, 1943
18	B (3-25-43)). Sheetings, 42" and wider, Classes A and B, except bed sheetings (construc- tions designated in lines 35 and 36 of Form WPB 658-B (3-25-43)).	100 percent	Any Class A or Class B sheeting designated in Groups 1 and 2 above, in this Column IV, woven in pro rata widths most suitable for textile bag use consistent with width of loom.  Any suitable construction not less than 72" wide nor of more than 54 pleks per inch manufactured for laundry use.	Aug. 1, 1943

# FEDERAL REGISTER, Wednesday, April 12, 1944

SCHEDULE B-Continued

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below in the period from April 3, 1943, to May 1, 1943, inclusive, and which may produce only the constructions specified in column IV	Percentages to be applied to the daily average number of looms producing or assigned to produce the constructions specified in column II in the period therein specified. Such percentage of looms shall produce constructions specified in column IV	Constructions to be produced by looms specified in column II	Effectiv dates
19a	Sheetings, 42" and wider	50 percent	44" 48 x 48 4.00 yd.	Aug. 1, 194
	except bed sheetings (con- structions designated in lines 34, 37, 38, 39 and 40 of Form WPB 658-B (3-25-43)).		52" 48 x 48 3.85 yd. 54" 40 54ey, 36 to 38 pick, 5.25 yd. 60" 44 x 40 4.46 yd. 43" 36 x 40 5.80 yd. Any narrow Class C sheeting heretofore designated in this Column IV, Group 3. Pro rata widths of like count and weight.	
19b	Sheetings, 42" and wider, except bed sheetings (constructions designated in lines 34, 37, 38, 39 and 40 of Form WPB 658-B (3-25-43)).	50 percent	Any Class A or Class B sheeting designated in Groups I and 2 above, in this Column IV, woven in pro rata widths most suitable for textile bag use con- sistent with width of loom.	Aug. 1, 194
20	Twills, drills, jeans, sateens and gabardines (construc- tions designated in lines 45 through 69 of Form WPB 658-B (3-25-43)).	100 percent	Drills: 37" 64 x 56, 1.50 yd. 30" 72 sley, not over 48 pick, 2.35 yd to 2.85 yd. 30" 75 sley, not over 54 pick, 2.35	June 15, 19
	WFB 008-B (3-25-45)).	ENTER IN	30" 76 sley, not over 54 pick, 2.35 yd to 2.85 yd. Pro rata widths of like count and	
			weight.  Any drill, irrespective of width or weight, having not more than 68 sley and not more than 40 pick.	
			Jeans: 38" 96 x 54 2.85 yd. 32" 96 x 64 3.28 yd. 31" 84 to 86 sley, 56 pick, 3.63 yd	
			to 3.87 yd.  Pro rata widths of like count and weight.  Twills: 39" 68 x 70 2.58 yd or 3.00	
			Silesia twill in lowest pickage consistent with U. S. Army Quartermaster Specification 618-C.	
			37" 84 to 88 sley, 40 pick, 1.75 yd to 2.85 yd. 37" 76 to 88 sley, 38 to 46 pick,	
			1.45 yd to 2.15 yd. 30" 88 sley, 50 to 52 pick, 1.90 yd to 2.45 yd. 32" 98 x 44 2.00 yd.	
			32" 98 x 44 2.00 yd, 3446" 98 x 54 2.00 yd to meet U, S, Navy Specification 27-T-25A, 31" approx. 88 sley, 56 pick, 1.50 to 1.65 yd (manufactured to	
			Army or Navy for tents).  8.2 oz. Type IV carded uniform	
			twill in lowest pickage consistent with Federal specifications. 8.5 oz. herringbone in lowest pick- age consistent with Federal	
			specifications for U. S. Army or Navy. 9 oz. herringbone twill in lowest pickage consistent with specifi-	
			cations for U. S. Marine Corps. 54" 76 x 52 1.14 yd. 54" 84 x 64 99 yd. Pro rata widths of like count and	
			weight.  Sateens: 30]4" 112 to 118 sley, 64 pick, 2.25 yd, 34" 108 x 56 3.00 yd,	
			53" 96 x 60 1.12 yd, 53" 96 x 64 1.32 yd, 54" 96 x 56 1.05 yd,	
			54" 96 x 56 1.55 yd. Pro rata widths of like count and weight. Gabardines:	5.3
			Not over 64 picks per inch.	

# SCHEDULE C

Col. I	Column II	Column III	Column IV	Column V
Group	Looms producing or assigned to produce the constructions listed below on July 3, 1943, and which may produce only the constructions specified in column IV	Percentages to be applied to the number of looms producing or assigned to produce the constructions specified in column. II. Such percentage of looms shall produce constructions specified in column IV	Construction to be produced by looms specified in column II	Effective dates
21	Plain print cloth of 80 sley and higher (constructions designated in lines 77, 78, 82 and 83 of Form WPB-658B (9-17-43)).	100 percent	Plain print cloth of 80 sley and higher.	Dec. 24, 1943
22	WPB-658B (9-17-43)). 38½" 44 x 36 8.60 yd bandage cloth and pro rata widths (constructions designated in line 87 of Form WPB-658B (9-17-43)).	100 percent	38½" 44 x 36 8,60 yd pro rata width of like count and weight,	July 8, 1943
23	WPB-658B (9-17-43)). Bandage cloth other than 38½" 44 x 36 8.60 yd (constructions designated in line 88 Form WPB-658B (9-17-43)).	100 percent	38½" 40 x 32 9.80 yd 38½" 48 x 44 7.46 yd Pro rata widths of like	July 3, 1943
24	Tobacco and cheesecloth (construc- tions designated in lines 89 and 91 of Form WPB-658B (9-17-43)).	100 percent	count and weight.  Any width fabric woven from print cloth yarns, in the following sley and pick per inch: 8 x 8, 14 x	Dec. 24, 1943
25	Tobacco and cheesecloth, all widths, 17 to 18 sley, 12 to 14 pick (con- structions designated in line 90 of Form WPB-658B (9-17-43)).	100 percent	10, 17 x 14, 18 x 12, 18 x 14, 20 x 12, 20 x 16, 24 x 20, 28 x 24, 32 x 28, 40 x 28. Tobacco and cheescloth, all widths, 17 to 18 sley, 12 to 14 pick.	Dec. 24, 1943
		SCHEDULE D		
Col. 1	Column II	Column III	Column IV	Column V
Group	Spinning and twister spindles producing or assigned to produce yarn and twine of the descriptions and counts listed below on July 8, 1943, and which may produce only yarn and twine of the descriptions and counts specified in column IV	Percentages to be applied to the number of spindles producing or assigned to produce yarn and twine of the descriptions and counts specified in column II. Such percentage of spindles shall produce yarn and twine of the descriptions and counts specified in column IV.	Descriptions and counts to be produced by spin- dles specified in column II	Effective dates
1	Carded single machine knitting yarn (items designated in lines 16 through 18 of Form WPB 658-E	100 percent	Carded single machine knitting yarn.	Dec. 24, 1943
2	(9-17-43)). Carded single yarn, other than ma- chine knitting, 20's and coarser (items designated in lines 1 through 3, 22, 23, 27 and 28 of Form WPB 668-E (9-17-43)).	100 percent	Carded single yarn other than machine knitting, 20's and coarser.	Dec. 24, 1943
3	Carded single yarn, other than ma- chine knitting, finer than 20's (items designated in lines 4, 5, 27 and 29 of Form WPB 658-E (9-	100 percent	Carded single yarn, other than machine knitting, finer than 20's.	Dec. 24, 1943
4	17-43)). Carded ply yarn of any description or count (items designated in lines 6 through 13, 19, 20, 25, 26 and 27 through 29 of Form WPB 658-E	100 percent	Carded ply yarns of any description or count.	Dec. 24, 1943
5	(9-17-43)). Combed single or ply machine knitting yarn, 70's and coarser (items designated in lines 51 through 56 of Form WPB 658-E (9-17-43)).	100 percent	Combed single or ply machine knitting yarn 70's and coarser.	Dec. 24, 1943
6	ting yarns, finer than 70's (items designated in lines 57 through 60	100 percent	Combed single or ply ma- chine knitting yarns, finer than 70's.	Dec. 24, 1943
7	of Form WPB 658-E (9-17-43)). Combed single yarn other than machine knitting, 40's and coarser (items designated in lines 30 through 32, and 62 of Form WPB 658-E (9-17-43)). Combed single yarn other than machine knitting, finer than 40's, up to, but not including, 77:s. (Items designated in lines 33 through 35 and 62 of Form WPB 658-E (9-17-43)).	100 percent	Combed single yarn other than machine knitting, 40's and coarser.	Dec. 24, 1943
8	Combed single yarn other than machine knitting, finer than 40's.	100 percent	Combed single yarn other than machine knitting, finer than 40's, up to, but not including, 71's.	Dec. 24, 1943

SCHEDULE D-Continued

	BCIII	DUDE D-COMMINGE		
Col. I	Column II	Column III	Column IV	Column V
Group	Spinning and twister spindles producing or assigned to produce yarn and twine of the descriptions and counts listed below on July 3, 1943, and which may produce only yarn and twine of the descriptions and counts specified in column IV	Percentages to be applied to the number of spindles producing or assigned to produce yarn and twine of the descriptions and counts specified in column II. Such percentage of spindles shall produce yarn and twine of the descriptions and counts specified in column IV	Descriptions and counts to be produced by spin- dles specified in column II	Effective dates
9	Combed single yarn other than machine knitting, 71's and finer (items designated in lines 36 through 39 and 62 of Form WPB	100 percent	Combed single yarn other than machine knitting, 71's and finer.	Dec. 24, 1943
10	chine knitting, 40's and coarser (items designated in lines 40 through 42, 50, 61 and 62 of Form	100 percent	Combed ply yarn other than machine knitting, 40's and coarser.	Dec. 24, 1943
11	WPB 618-E (9-17-43)). Combed ply yarn other than machine knitting, finer than 40's, up to, but not including, 71's (Items designated in lines 43 through 45, 50, 61 and 62 of Form WPB 658-E	100 percent	Combed ply yarn other than machine knitting, finer than 40's, up to, but not including, 71's.	Dec. 24, 1943
12	(9-17-43)). Combed ply yarn other than machine knitting, 71's and finer (items designated in lines 46 through 50, 61 and 62 of Form	100 percent	Combed ply yarn other than machine knitting, 71's and finer.	Dec. 24, 1943
13	twine, etc.) items designated in lines 74 and 75 of Form WPB	100 percent	Seine twine and cable cords (including fishnet twine, trot line, staging twine, etc.).	Dec. 24, 1943
14	658-E (9-17-43)). Twines other than those specified in Group 13 (items designated in lines 76 through 78 of WPB 658-E (9-17-43)).	100 percent	Twines other than those specified in Group 13.	Dec. 24, 1943

[F. R. Doc. 44-5120; Filed, April 11, 1944; 11:53 a. m.]

### PART 3290-TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, as Amended Apr. 11, 1944

# HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.196 General Conservation Order M-310—(a) General definitions. (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof: Provided, That orders for U. S. Army or Marine Corps Post Exchanges or for U. S. Navy Ship's Service Departments shall not be deemed military orders within the terms of this definition, except orders by the U.S. Navy Ship's Service Departments and War Shipping Administration Training Organization Ship's Service Department for cut sole leather for repair purposes which are endorsed as provided in Priorities Regulation No. 17.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Scrap leather" means small leather pieces which are unavoidably produced from processing or cutting operations, but in no case shall include bellies or shoulders.

(9) All trade terms shall have their usual trade significance unless other-

wise specified.

(b) Provisions applying to all hides, skins and leather. (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or desig-

nated civilian requirements.

(3) No person shall commercially incorporate any leather or rawhide into any product except as permitted by Schedule A at the end of this order, and no person shall sell any leather or rawhide unless the same is to be incorporated into a product permitted by Schedule A. This restriction shall not, however, apply to products manufactured:

(i) To fill military orders;

(ii) From vegetable tanned cattlehide

flesh splits under 3½ ounces;
(iii) From scrap leather, Provided, That any tanner selling any such scrap leather shall report his sales on his monthly form prescribed in paragraph (k):

(iv) Under specific authorization in writing by the War Production Board. Any person may request such authorization by letter on his own behalf or on behalf of his customers, stating the proposed uses of the leather and the quantity, quality, weight and type involved.
(4) Notwithstanding the provisions

of any priorities or other regulations of the War Production Board, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders; or (ii) When specifically authorized in

writing by the War Production Board pursuant to this subparagraph (b) (4),

(5) In making sales or deliveries of hides, skins or leather, including sole leather cut stock, no person shall make discriminatory cuts in quality or quantity between customers who meet such person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(c) Untanned cattlehides, calfskins and kips-(1) Definition. "Cattlehide". "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No tanner shall put into process, and no contractor shall cause to be put into process, any cattlehide, calfskin or kip in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the War Production Board on Form WPB-1323 or Form WPB-3507. Applications may be made on Form WPB-1325 (formerly PD-569) for the purchase of domestic cattlehides, and on Form WPB-1322 (formerly PD-569-a) for the purchase of domestic calfskins and kips: Provided, That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for

purposes of resale;

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to

grant authorizations so that:

(i) The contractor or tanner may obtain cattlehides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattlehides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners; and

(ii) The contractor shall contract with the same tanners as in 1942 and shall divide his contracts between them in the

same proportions as in 1942.

(5) No producer or collector shall cut off bellies or shoulders of untanned cattlehides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) [Deleted Jan. 24, 1944.]

(d) Cattlehides, calfskins and kips, and leather therefrom—(1) Definition. "Cattlehide, calfskin, or kip leather" means leather produced from such hides or skins, whether grain or split, including rawhide and leather produced from slunks.

(2) No tanner shall produce any bag, case, or strap leather from cattlehides of qualities meeting Federal Specifications KK-L-151a, KK-L-166 or KK-L-271a, unless the hides are split in a manner

to yield:

(i) Grains of the weights required to meet his unfilled military orders; or

(ii) Grains of the maximum weights obtainable: *Provided*, That this restriction shall not require the production of grains in excess of 8 oz.

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish

the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for

round belting or V belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: Provided, That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for

round belting.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of backbone at a point within the limits of the

break in the foreflank.

(8) No tanner, currier, finisher, jobber or dealer shall accept any order for cattlehide leather in the form of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, rated or otherwise, or transfer any such leather to his own fabricating plant, unless such order or the request for such transfer states the specific end use of such leather.

(9) Except upon specific authorization of the War Production Board in writing, no tanner shall process any cattlehides to make grain garment leather.

(10) [Deleted Jan. 24, 1944.] (11) [Deleted Jan. 24, 1944.]

(e) Sole leather and sole leather cut stock—(1) Definitions. (i) "Military quality outersole" means a bend sole of good fiber of a grade not lower than No. 1 scratch grade, and of a substance 8½ iron to 11 iron, inclusive.

(ii) "Military quality innersole" means a sole of 5½ to 7 iron, inclusive, first quality full grain leather, of a quality and fiber adapted to the purpose.

(iii) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and

"military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(iv) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perpendicular to line of backbone not more than three

inches from root of tail.

(v) "Bend piece" means the portion of a finders' bend remaining after a butt piece has been removed and after a belly slab has been removed from the belly edge of the bend by cutting in a line running from shoulder to butt, approximately parallel to the backbone, and not less than thirteen inches therefrom at any point.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his

business.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) 20% of the quantity of manufacturers' bends, produced by him for his own account, or produced for his account by others, or such other percentage as may be fixed by the War Production Board in writing from time to time. Such bends are hereinafter referred to as "manufacturers'-bends-for-repair", and the weight and the quality of the bends set aside shall be equal, as nearly as possible, to those of the manufacturers' bends not so set aside, unless other directions in writing are issued by the War Production Board. No manufacturers'-bends-forrepair shall be sold to any finder or shoe repairer as a whole bend.

(3) No person shall cut military quality outersoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production

Board from time to time.

(4) Except as otherwise specifically authorized in writing by the War Production Board, sole leather whole-stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and no military quality cut stock produced in accordance with such schedule shall be sold, delivered or used except to fill military orders.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends

(f) Horsehides—(1) Definitions. (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" means those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process, any horsehide fronts, butts or shanks in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of or commercially incorporate into any product any horsehide front leather meeting any military specification, except for unfilled military orders.

(g) [Deleted September 20, 1943] (h) Goatskins and cabrettas—(1) Definitions. (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic

angora goatskin.
(ii) "Cabretta" means the skin of a hair sheep or leather made from such

skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941 (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above: Provided, That kidskins and Calcutta Smalls purchased separately and described as such in Government purchase contracts dated later than August 1, 1943, may be put into process in addition to the percentages specified in this paragraph.

(3) [Deleted Jan. 24, 1944]

(4) The restrictions of paragraph (h) (2) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who

process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: Provided, That such failure has resulted unavoidably in the course of producing military leather; Provided further, That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 121/2 % of his production of military goatskin garment leather subsequent to the date of this order.

(6) [Deleted Jan. 24, 1944]

(i) Deerskins-(1) Definition. "Deerskin" means the skin of any domestic, Canadian or New Zealand deer, except elk, moose, caribou skins, and Alaska deerskins.

(2) No person shall process any deerskin or deerskin leather, except:

(i) To produce suitable leather meeting United States Quartermaster Corps Tentative Specifications CQD-105, as amended from time to time, in all respects except as to country of origin; or

(ii) To fill a specific military order. (3) No person shall sell or deliver any deerskin leather, or incorporate or manufacture any deerskin leather into any product, except to fill a specific military

(4) Exceptions. The restrictions of the preceding paragraphs (2) and (3)

shall not apply to:

(i) Any deerskin or deerskin leather which does not meet and cannot be made to meet the specification referred to in subparagraph (2) (i) above: Provided, That deviations from the specification as to color or country of origin shall not be considered cause for this exception within the meaning of this provision;

(ii) Deerskin leather rejected in writing by the United States Army Quartermaster Depot, Chicago, Illinois;

(iii) [Deleted Jan. 24, 1944]

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for

a gift.

(j) Effect on prior orders. Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly

revoked:

General Preference Order M-80 General Conservation Order M-94 Conservation Order M-114 General Conservation Order M-141 Conservation Order M-273 General Preference Order M-301

(k) Reports. Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned be-

Note: The first two items (referring to Forms WPB-1321 and 1324) deleted Apr. 11,

Tanners and converters of cattle-WPB-1325 hides \_\_\_\_\_ formerly PD-569 Tanners and converters of calfskins and kips\_\_\_\_\_\_formerly PD-569A and WPB-2256 formerly PD-778 Tanners and converters of cattle-\_ WPB-2211 hide side upper leather\_\_\_\_ formerly PD-770 Tanners, converters, curriers, finishers, jobbers and dealers of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, WPB-2177 strap, and upholstery leather .... formerly PD-772 Tanners and converters of sole WPR\_1304 leather \_\_\_\_\_ formerly PD-598B Tanners and converters of horse-WPB-1001 hides\_\_\_\_\_ formerly PD-475 Tanners and converters of shearlings \_\_\_\_\_ formerly PD-421 Tanners and converters of goatskins, kidskins, cabretta, or In-WPB-1437 dia tanned goatskins .... formerly PD-373 \_\_ WPB-1303 Sole cutters\_\_\_\_\_ formerly PD-598A Non-sole cutting shoe manufacturers \_\_\_\_\_ formerly PD-598C and converters of - WPB-2351 cattlehide splits\_\_\_\_\_Tanners and converters of glove

and garment cattlehide grain leather \_\_\_\_\_ WPB-1795

Failure to file any report shall constitute a violation of this order.

(1) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) Communications to the War Production Board. All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board. Textile, Clothing and Leather Division, Washington 25, D. C., Ref. M-310.

(n) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order. wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Note: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

SCHEDULE A

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led Apr. 11, 1944.	Type of sole leather whole stock	Shoulders, bellies and shanks	Any sole leather cutter.		Innersoles.	Counters and midsoles to meet any					To produce cut stock for use by shoe man-	only.	No exceptions.		TV SILE
		Manufacturers' bends	Any sole leather cutter.		Outersoles and innersoles.	Midsoles, count- ers and top- lifts, to meet	any unfilled military order.				To produce cut stock for use by shoe man-		No exceptions.		
		Manufacturers' bends-for-repair	Cutter for the repair trade only.		Outersoles	May not be cut ex- cept under Block IIA.					To produce repair stock, other than outersoles, for sale	ultimate use by shoe-repairers or persons repairing	Butt pieces, finders' topilits and find- ers' pieces from which no tap can be obtained—un-	Z	
		Finders' bends	Cutter for the repair trade only, except that any sole leath- er outter may cut to obtain outer.	soles, midsoles and toplifts only in ac- cordance with Block IIB below.	Bend pieces (which may not be further cut except in accordance with Block IIB).	Strips and taps cut from bends or from bend pieces, to	H	order. Outersoles and midsole soles cut from bend or from bend pleces to meet military or-	ders under Lend- Lesse Act only.		H	ultimate use by shoe-repairers or persons repairing		Non-military outer- soles produced un- avoidably in the course of cutting	military outer- soles—for sale only to shoe manufac- turers.
NOTE: Block III A amended Apr. 11, 1944	Block I. Persons permitted to cut each type subject to the previous of Blocks II and III below		Block I. Persons permitted to cut each type subject to the provisions of Blocks II and III below.	Method of culting	Block IIA. Except for deviation permitted in Block IIB below, each type shall be cut to yield maximum quantity of military quantity cut stock shown is the below.	Block IIB. Sate type may be cut to produce the military quality cut stock shown in	this block but only—  1. So as to yield the maximum quantity of such millery quality out stock, and stock, and to the extent required to meet annihilar unilitary mast annihila military mast annihila military	orders of the kinds in- dicated.	Cutting and disposition of re- mainder of each type (includ- ing belly slabs resulting from cutting of band nieuse from	finders' bends) after military quality cut stock has been obtained as provided in Block	Block IIIA. Except as permitted in Block IIIB below, remainder of each type shall	be cut and disposed of only as shown in this block.	Block IIIB. Exceptions shall be only as shown in this block.	10	
	All other leather may be incorporated in say product marked "Permarked "Permarked" in this column			Permitted. Permitted. Permitted.	Permitted.	Permitted.	Permitted. Permitted. Permitted. Permitted. Permitted.	Fermitted, Permitted,	Permitted.	Permitted,	Permitted. Permitted.	Permitted.	Permitted.	Permitted. Permitted.	Permitted.
	Gostskin leather notrestricted for military orders or specifical else- where in this order may be incorporated in a n y product marked "Per- mitted" in this column			Not permitted	Not permitted	Permitted Permitted	Not permitted Not permitted Not permitted Not permitted Not permitted	Permitted	Permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
	Horsehide shank or non-military quality horsehide fron I seether may be incurporated in any product of a control marked in any product marked. Permitted." in this column				ted.	Permitted	Not permitted. Not permitted. Not permitted. Not permitted. Not permitted.		Permitted	Not permitted.	Permitted	Not permitted	Not perm tted	Not permitted	Not permitted.
Cattlabile sale	m 9 C	tary orders or specifically re- stricted else- where in this order may be		Permitted except harness leather. Permitted	Permitted Permitted	Permitted Permitted	Permitted Permitted Permitted Permitted Permitted	Permitted Permitted Permitted	Permitted	Permitted	Permitted Permitted	Permitted	Permitted	Permitted	Not permitted
				Footwear  Transmission belts  Hydraulic, pocking and mechanical feather producets, certic communications of the communications of th	Harnes, horse collars, and saddlery for police, farm and industrial use, provided that lines are limited to 1 inch in width.	Artificial limbs Orthopedic products including arch Supports.	Cattle and drivers' whips and quirts. Laces and thomes. Cap visors for military personnel. Divers' equipment. Motorcycle saddles. Work chaps	Work agong  Work agrons  Germents for heavy duty workers, made from grain leather resulting un- avoidably from taming or cutting for specific military orders, but which was rejected as not meeting military	specifications. Industrial safety cothing and equipment oxclusive of linearen's belts; only to the extent essential for safety and protection in the performance of	Lee worses currently for repair and maintenance of transportation equipment, office and commercial		Rifte scabbards, rifte slings, pistol hol- sters, and pistol belts, when these items are to be sold to peace officers,	Luggage handles and attaching pieces, wells, bindings, corners, and closures, for types of luggage pernitted by Schedule I of General Limitation Order L-28, but only if made from the types of leather permitted by	paragraph (b) (l) (iv) of said Sched- ule. Rawbide hamners and hamner faces. Functional parts of musical instru- mosts feedball as faces assess or con-	(fainers). Other products

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, Interpretation 1]

# EFFECT OF RATINGS ON EQUITABLE DISTRIBUTION

The following interpretation is issued with respect to General Conservation Order M-310:

Paragraph (b) (5) of this order, the socalled equitable distribution clause, does not excuse filling of rated orders. This clause prohibits discrimination between customers who meet established prices, terms and credit requirements, but it does not override Priorities Regulation No. 1, which requires, subject to the conditions set forth, that all rated orders be accepted and that preference be given to orders carrying higher ratings over those with lower ratings.

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The particular types of leather specified by preference rated orders must be delivered unless the leather cannot be produced from the hides or skins available to the tanner or the tanner is excused or prevented from filling the order by a regulation, order or direction of the War Production Board. If a rated order is placed for military quality leather, this order may not be filled with civilian quality leather.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 44-5119; Filed, April 11, 1944; 11:54 a. m.]

# PART 3293 1—CHEMICALS

[General Preference Order M-307 as Amended Apr. 11, 1944]

# CASEIN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of casein for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.421 <sup>1</sup> General Preference Order M-307—(a) Definitions. (1) "Casein" means the protein components of skimmed milk which have been precipitated by the action of rennet, acid or sweet or sour whey and which have been washed, dried and ground. Precipitated components which have been washed and/or dried, but not ground, are not "casein" within the terms hereof, but "casein" does include "casein" as above defined where blended with other precipitated components, whether or not such other components are washed, dried or ground.

(2) "Producer" means any person who produces or imports casein and includes any person who produces casein for use in the manufacture by him of other products. (3) "Distributor" means any person who purchases casein for the purpose of resale

resale.

(4) "Supplier" means a producer or a distributor.

(b) Restrictions on production. War Production Board may at any time issue authorizations or directions to a producer respecting the grades or types of casein which he may produce.

(c) Restrictions on deliveries and use.
(1) On and after May 1, 1943, no person shall deliver, accept delivery of, or use casein, except as specifically authorized or directed by War Production Board.

(2) Authorizations or directions with respect to deliveries or use in the two month period May 1, to June 30, 1943, and in each calendar quarter commencing with the third quarter of 1943, will so far as practicable be issued by War Production Board prior to the commencement of such period or quarter, but War Production Board may at any time in its discretion issue directions with respect to deliveries to be made or accepted, or with respect to use or uses which may or may not be made of casein to be delivered or then on hand. Such authorizations or directions may be made by War Production Board without regard to preference ratings applicable to particular

(3) Each person specifically authorized to accept delivery of or use casein shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the War Production Board. Casein allocated for inventory shall not be used except as specifically directed by War Production Board.

(4) Casein allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is not for any reason filled, revert to inventory as though allocated therefor.

(d) Exceptions to requirement for specific authorization. (1) Notwithstanding the provisions of paragraph (c) (1) hereof, specific authorization of War Production Board shall not be required for:

(i) Delivery by any supplier to any person during any month of 2,000 lbs. or less of casein, but no producer shall deliver under this exemption during any calendar quarter in the aggregate more than 5% of the amount of casein which he has been specifically authorized to deliver during that calendar quarter.

(ii) Acceptance of delivery by any person during any calendar month of 2,000 lbs. or less of casein in the aggregate from all suppliers.

(iii) Use by any person during any calendar month of 2,000 lbs. or less of casein.

(2) Quantities of casein may not be accepted or used under the above exemption in addition to quantities of casein accepted or used pursuant to specific allocation if the total accepted or used would exceed 2,000 lbs. in any month.

(3) No supplier shall make any delivery during any such period or calendar quarter pursuant to paragraph (d) (1) if such delivery will prevent the completion of any delivery which has been specifically authorized for such period or quarter.

(e) Applications and reports. (1) Each person requiring authorization to accept delivery of casein in any calendar quarter commencing with the third quarter of 1943, whether for his own consumption or for resale (and every person requiring authorization to use casein in such quarter) shall file application therefor on or before the 15th day of the month preceding the commencement of such quarter. Applications respecting acceptance of delivery or use in the period May 1 to June 30, 1943 shall be filed as many days as possible in advance of May 1, 1943. In any case, applications shall be made on Form PD-600 in the manner prescribed therein, subject to the following special instructions:

 Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which three shall be forwarded to War Production Board, Chemicals Division, Washington, D. C., Ref: M-307, one forwarded to the supplier with whom applicant's order is placed, and the fifth retained for applicant's file. At least one of the copies filed with War Production Board shall be signed by applicant by a duly authorized official. Where the application is solely for authorization to use, no copy shall be sent to the supplier.

(iii) In the heading, under "Name of chemical", specify "Casein"; under "WPB Order No.", specify "M-307"; under "Indicate unit of measure", specify "pounds".

(iv) In heading at top of Table I and Table III, specify "Period May 1 to June 30, 1943" or "\_\_\_\_\_ quarter of 194\_" (inserting "third", "fourth", etc.).

(v) In Columns 1, 11 and 19, specify grade, for example, "rennet", "acid".

(vi) In Columns 3, 20 and 22 (Primary Product), applicant will specify, in terms of the following, the product or products in the manufacture or preparation of which he will use casein:

Adhesives
Coated paper (except wallpaper)
Cypsum
Insecticides
Leather finishes
Paint
Plastics
Rubber
Wallpaper
Other products
(specify)
Resale (as casein)
Inventory (as casein)

(vii) In Column 4 (Product End Use), applicant will specify with respect to each primary product the ultimate use to which such primary product will be put. For example, if the "primary product" called for in Column 3 is "adhesives", the ultimate use might be "furniture plywood". Applicant will also specify in each case whether his customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. If application is for casein for resale or for inventory, leave Column 4 blank.

<sup>&</sup>lt;sup>1</sup> Formerly Part 3228, § 3228.1.

No. 73-3

(viii) Applicant will fill out Tables II. III and IV in their entirety, except that Columns 15-a, 15-b, 15-c and 16 will be left blank. In the headings at the top of Columns 13, 14 and 15, he will substitute for the words "last month," the words "current quarter (estimated)." In the heading at the top of Table IV. "Inventory at end of last month," he will substitute "Inventory at end of current quarter." As used herein "current quarter." quarter" means the quarter in which the application will normally be filed; namely, the quarter preceding the quarter to which the application for authorization to accept delivery or use relates.

(2) Each supplier seeking authorizaton to make delivery of casein in any calendar quarter commencing with the third quarter of 1943, shall file application therefor on or before the 20th day of the month preceding the commencement of such quarter. Applications respecting delivery in the period May 1 to June 30, 1943 shall be filed as many days as possible in advance of May 1, 1943. In any case, applications shall be made on Form PD-601 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War

Production Board.

(ii) Supplier will prepare an original and three copies of each set of Form PD-601 and will forward the original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-307, retaining the third copy for his files. A separate set of Form PD-601 shall be prepared by supplier to cover deliveries which he proposes to make in the applicable month to customers ordering casein for the manufacture or preparation of the same class of product. For the purposes of this requirement, the classes of product shall be those listed in paragraph (e) (1) (vi).

(iii) Each producer who has filed application on Form PD-600 specifying himself as his supplier, shall list his own name as customer on Form PD-601 and shall list his request for allocation in the manner prescribed for other customers.

(iv) In the heading under "Name of chemical", specify "Casein"; under "WPB Order No.", specify "M-307"; under "This schedule is for deliveries to be made during the month of \_\_\_\_\_ specify "Period May 1 to June 30, 1943" or "\_\_\_\_\_ quarter of 194\_" (indicating "third", "fourth", etc.); under "Indicate unit of measure", specify

"pounds"

(v) In Column 1, list customers and if it is necessary to use more than one sheet, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified. Supplier need not, however, specify names of customers to whom small order deliveries are to be made during the period or quarter pursuant to paragraph (d) (1), but he will insert in Column 1 "Total small order deliveries (estimated)", and in Column 4 will state the estimated quantity.

(vi) In Columns 3 and 8, supplier will specify grades, for example, "rennet", "acid"

(vii) The supplier may, if he wishes, leave Column 5 blank.

(viii) In Table II, supplier will substitute "quarter" for "month" wherever word "month" appears, except that in any application relating to deliveries in the period May 1 to June 30, 1943, the word "month" in Columns 11, 12 and 13 shall be left unchanged and that in Column 14, supplier will list estimated production for period May 1 to June 30, 1943.

(3) War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(f) Miscellaneous provisions-(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent therewith.

(2) Notification of customers. Each supplier shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give notice shall not excuse any such person from complying with the

terms hereof.

(3) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assist-

(4) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-307.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-5121; Filed, April 11, 1944; 11:53 a. m.]

PART 3293-CHEMICALS

[Allocation Order M-340 as Amended Apr. 11, 1944]

# MISCELLANEOUS CHEMICALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of the chemicals subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.491 Allocation Order M-340-(a) Definitions. (1) "Subject chemical" means any chemical listed in Appendix A, as therein defined.

(2) "Producer" means any person engaged in the production of any subject chemical and includes a person who imports any subject chemical or has it produced for him pursuant to toll agree-

ment.
(3) "Distributor" means any person who buys any subject chemical for the purpose of resale without further processing and without changing the form

(4) "Supplier" means a producer or

distributor.

(b) Restrictions on deliveries. (1) On and after the applicable effective date stated in Appendix A, no supplier shall deliver a subject chemical to any person except as specifically authorized or directed in writing by War Production Board. No person shall accept delivery of a subject chemical which he knows or has reason to believe is delivered in violation of this order.

(2) Authorization or directions as to deliveries to be made by suppliers in each calendar month will generally be issued by War Production Board prior to the beginning of such month, but may be issued at any time. They will nor-mally be issued on Form WPB-2947 (formerly PD-602) which is to be filed by the supplier with War Production Board as explained in paragraph (g) below.

(3) If a supplier is authorized or directed by War Production Board to deliver a subject chemical to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the subject chemical shall revert to inventory, and shall not be delivered, or used, without further in-

structions.

(c) Exceptions for small deliveries. (1) Specific authorization in writing of War Production Board is not required for delivery by any supplier to any person in any calendar month of a subject chemical in a quantity not exceeding the quantity stated in Column 3 of Appendix B.

(2) The aggregate quantity of a subject chemical which any supplier may deliver in any calendar month pursuant to paragraph (c) (1), shall not exceed:

(i) The quantity which he has been specifically authorized, upon application pursuant to Appendix D, to deliver on small orders; or

(ii) If he is a distributor, the quantity which he acquired upon certification that it was required to fill small orders or the quantity which he acquired himself on such a small order, or

(iii) If he is a distributor who customarily delivers exclusively on small orders, any quantity.

(d) Exceptions for deliveries for other reasons. Specific authorization in writing of War Production Board is not required for delivery of a subject chemical by any supplier to any other person for a purpose stated in Column 4 of Appendix B.

(e) Restrictions on use. (1) On and after the applicable effective date stated in Appendix A, no supplier shall use a subject chemical except as specifically authorized or directed in writing by War

Production Board.

(2) Each person who with an order for a subject chemical furnishes a certificate required by paragraph (f) shall use the subject chemical delivered on such order only as specified on such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) War Production Board may from time to time issue directions with respect to the use or uses which may or may not be made of a subject chemical to be delivered to, or then in inventory of the

prospective user.

(f) Supplier to obtain from customer a certificate of use. No supplier shall in any calendar month (beginning in the case of each subject chemical with the calendar month in which the order becomes effective as to that chemical as stated in Appendix A) deliver to any person a greater quantity of such subject chemical than is stated in Column 3 of Appendix B. unless he shall have received from such person a certificate as to the use for which such person is ordering such subject chemical. Such certificate must be received by the supplier not later than the 15th day of the month preceding the month in which delivery is to be made. It need not be filed with War Production Board. A supplier must not deliver a subject chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge or reason to believe, he may rely on the certificate.

(g) Applications by suppliers for leave to deliver or use. (1) Each supplier requiring authorization to make delivery of, or to use, a subject chemical during any calendar month shall file application on or before the 20th day of the preceding month. The application should be made on Form WPB-2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix D. If there is an inconsistency between the general and special instructions, the special instruc-

tions must be followed.

(2) War Production Board may issue to any supplier other and further directions with respect to preparing and filing Form WPB-2947 (formerly PD-602).

(h) Miscellaneous provisions-(1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) Violations. Any person who wilfully violates any provision of this order or who, in connection with this order wilfully conceals a material fact or fur-

nishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assist-

(3) Communications to War Production Board. All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-340.

Issued this 11th day of April 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

### APPENDIX A

Chemicals subject to this order. (1) "Acetaldol" means the chemical known by that name and by the names aldol, beta hydroxy butyric aldehyde oxybutanol, 3-hydroxy butanal.

Effective date-August 1, 1943. Comes in

the following grades: no grades.

(2) "ST-115" means the preparation known by that trade name, as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal

Effective date-August 1, 1943. Comes in

the following grades; no grades.

(3) "Dehydrol-O" means the known by that trade name as defined and specified in Appendix to Regulation No. 3 (1942 Revision) of the Bureau of Internal Revenue.

Effective date-August 1, 1943. Comes in the following grades: no grades.

(4) "G. C .- 78" means the chemical known that trade name.

Effective date—August 1, 1943. Comes in the following grades: no grades.

(5) "By-product-phosphoric acid" means phosphoric acid obtained as a by-product in the manufacture of methyl methacrylate.

Fifective date—September 1, 1943. Comes

in the following grades: no grades.

(6) "Oxidized petrolatum" means high paraffinic petrolatum oxidized and processed to contain aliphatic ketones, and which is suitable for use as a base in the manufacture of rust preventive compounds or corrosion inhibitors meeting specification Nos. AXS-673, 52-C-18 and AN-C-52, such as those petrolatums known by the trade marks Par-Al-Ketone, Alox 707, Alox 701 and Alox 600.

Effective date-October 9, 1943. Comes in

the following grades: no grades.
(7) "Vinsol" resin and "Truline" binder means the resins known by those registered trade marks or any similar resin obtained from the oleo-resin of pine wood and having the following properties:

Maximum solubility in petroleum naphtha 20%; complete solubility in lower alcohols; toluene insoluble 10 to 30 per cent; methoxy content 4 to 6 per cent; acid number 90 to 110; softening point (ASTM ball and ring method) 103° to 118° Centigrade.

Effective date-October 9, 1943. Comes in the following grades: no grades.

(8) |Deleted Mar. 27, (9) [Deleted Mar. 27, 1944] (10) [Deleted Oct. 22, 1943.] (11) "DDT" means the chemical 2, 2-bis

(para chlorophenyl) 1, 1, 1-tri-chloroethane, and is also known by the trade name "Neocid".

Effective date-January 1, 1944. Comes in the following grades: no grades.

(12) "Enamel wire naphtha" (also known as E. W. naphtha) means a mixture of aromatic solvents derived from coke oven light oil, drip oil or coal tar, distilling between 150 and 290° C., with at least 15 per cent distilling above 200° C., and containing 20 to 60 per cent monomeric polymerizable constituents of the cumorone-indene type. The term does not include aromatic material for the production of E. W. naphtha, or for the production of cumorone-indene resin, or for the production of other chemicals or intermediates, or for use as solvents in the crude state.

Effective date—February 1, 1944. Comes in the following grades: no grades.

"Methyl Bromide" means the chem-(13) ical CH Br. Effective date-March 1, 1944. Comes in

the following grades: no grades.
(14) "Precipitated calcium carbonate" means ultra fine particle calcium carbonate such as the chemical known as Kalvan, Witcarb R and Multifex.

Effective date—April 1, 1944. Comes in the following grades: no grades.

(15) "Pyronate" means the pyroligneous alcohol known by that trade name which is produced as a by-product of the destructive distillation of hardwood.

Effective date-May 1, 1944. Comes in the following grades: No grades.

# APPENDIX B Note: Item (15) added Apr. 11, 1944.

4 Purpose for which delivery may be made Maximum quantity de-liverable to any one person in any calendar month with-out specific authorization without specific authorizachemical tion, re-gardless of and without certificate re-quired by paragraph (f) quantity. (See par. (d).) Acetaldol... ST-115... Dehydrol-O G. C.-78. Gallon. Gallon. 54 gallons .... 54 gallons .... 54 gallons .... None. None. None. (4) G. C.-78... (5) By-product phossphoric acid. (6) Oxidized petrolatum. (7) Vinsol resins. Gallon. None. 25 pounds.... None. Pound. 500 pounds ... (7) Vinsol resins.
(8) Deleted Mar. 27, 1944.]
(9) [Deleted Mar. 27, 1944.]
(10) [Deleted Oct. 22, 1943.]
(11) DDT...
(12) E.W.Naphtha. 1 pound..... 54 gallons.... tha.
(13) Methyl
Bromide.
(14) Precipitated cal-None. Pound. 10 pounds .... Pound. 50 pounds.... None. cium car (15) Pyronate... Gallon. 54 gallons.... None.

APPENDIX C-CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-340, that (specify subject chemical) ordered for delivery in \_\_\_\_\_, 194\_\_ Month

will be used by him for the manufacture or preparation of the following product(s), and that such product(s), on the basis of order(s)

filed with the undersigned, will be put to the following end use(s):

	Quantity	Primary product	End use
(A)			
(B)			

Name of purchaser

Date Duly authorized official Title

Instructions for customer's certificate. (1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive more than the exempted quantity of each of two or more subject chemicals, a separate certificate shall be obtained as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the subject chemical will be used or incorporated. A distributor ordering the subject chemical for resale as such will specify "resale" or, if ordering exclusively for resale on exempt small orders, will specify "small orders of \_\_\_\_\_ or less" (specify quantity stated in Column 3 of Appendix B). If purchase is for inventory state "inventory

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, he will give contract numbers in the case of military use or Lend-Lease, and in the case of export. export license numbers. A distributor ordering the subject chemical for resale as such will leave blank the "End Use" column.

APPENDIX D-SPECIAL INSTRUCTIONS FOR SUP-PLIER'S FORM WPB-2947 (FORMERLY PD-

(1) Obtaining forms. Copies of Form WPB-2947 (formerly Form PD-602) may be obtained at local field offices of the War Production Board.

(2) Number of copies. Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-340, retaining the third copy for your files. The original filed with the War Production Board shall be manually signed by a duly authorized official.

(3) Separate set for each chemical. Where the supplier's application relates to deliveries of two or more subject chemicals, he will file a separate set of Form WPB-2947 (formerly Form PD-602) for each.

(4) Information at top of form. In the heading, under "Name of Material", specify the subject chemical to which the Form WPB-2947 (formerly Form PD-602) re-lates; under "Grade", specify grade stated in Appendix A, or if no grade specified, leave blank; under "WPB Order No.", specify "M-340"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of Measure". specify unit of measure stated in Column 2 to Appendix B; under name of company, specify your name and the address of the plant or warehouse from which shipment will

(5) Listing of customers. In Column 1 (except for small orders as explained in (7) below) list the name of each customer from whom an order for delivery of the subject chemical during the applicable month has been received If it is necessary to use more than one sheet to list customers, number each sheet in order and show the grand total on last sheet which is the only one that need be certified.

(6) Primary product and end use. In Column 1-a (except for small orders as explained in (7) below) specify the product or products in the manufacture or preparation of which the subject chemical will be used by your customer, the end use to which such product or products will be put, and military or Lend-Lease contract numbers, and export license numbers, all as indicated by the certificate obtained under paragraph (f) of this order. The quantity of the subject chemical used in the manufacture or preparation of each primary product for each product use shall be shown separately. If the subject chemical ordered by a customer is for two or more uses, indicate each use separately and indicate the quantity of the subject chemical ordered for each use.

(7) Small orders. The supplier need not list the name of any customer to whom he is to deliver in the applicable month a quantity of the subject chemical not exceeding the maximum quantity (indicated in Column 3 of Appendix B) which he is permitted to deliver to any one person in any calendar month without specific authorization. Also, in the case of any such delivery, he need not show the name of the product or the end use. Instead, he must write in Column 1 "Total small order deliveries (estimated)" and in Column 4, must specify the total estimated quantity of the subject chemical to be delivered on such orders.

(8) Use by producers. A producer requiring permission to use a part or all of his own production of the subject chemical shall list his own name as customer in Column 1 on Form WPB-2947 (formerly Form PD-602) specifying quantity required and product manufactured. Written approval of War Production Board on such Form WPB-2947 (formerly Form PD-602) shall constitute authority to the producer to use the subject chemical in the quantity and for the purposes

indicated in such approved form.

(9) Table II. Each producer will report production, deliveries and stocks as required Table II, Columns 9 to 16, inclusive. Distributors will fill out only Columns 10, 12 and 13. Producers and distributors will show in Column 8 Grade, as stated in Appendix A, or if no Grade is there specified, will leave Column 8 blank.

[F. R. Doc. 44-5122; Filed, April 11, 1944; 11:54 a. m.]

TITLE 38-PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I-Veterans' Administration

PART 35-VETERANS' REGULATIONS INDUCTION OF TRAINEES AT SUBMINIMUM WAGE RATES

Instruction No. 9, Public No. 16, 78th Congress (Act of March 24, 1943). (1) The relationship of the Fair Labor Standards Act of 1938, Public No. 718,

75th Congress, and the Walsh-Healey Public Contracts Act, Public No. 846, 74th Congress, to Public No. 16, 78th Congress: (2) Authority to induct trainees in training-on-the-job at subminimum wage rates.

For the purposes of Public No. 16, 78th Congress, the following instruction is

hereby issued:

1. The Fair Labor Standards Act of 1938, Public No. 718, 75th Congress, requires an employer, as a statutory obligation, to pay to any person, not specifically exempt, who is suffered or permitted to work in commerce or in the production of goods for commerce, without regard to other source of income, a minimum wage of 40¢ per hour, or a subminimum hourly wage rate which the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, may approve for handicapped workers under section 14 of the act. Similarly, the Walsh-Healey Public Contracts Act, Public No. 846, 74th Congress, requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any one work-week (or 8 in any 1 day, if the work performed is subject to the Public Contracts Act), the overtime provisions of the acts are applicable.

2. When a prospective employertrainer, as a condition precedent to his acceptance of a trainee for training-onthe-job, indicates he will not meet the minimum wage requirements of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act, the use of such training facility will not be favorably considered unless (1) other opportunities for the desired training neither exist nor are available in the veteran's community; and (2) the trainee's disabilities preclude initial entrance into training at the minimum wage otherwise

applicable.

3. When, after investigation, the above conditions are found to exist, vocational rehabilitation officers are authorized to approve induction in training-on-thejob at subminimum rates. To accomplish this purpose, the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, has delegated to the vocational rehabilitation officers of the field stations having regional office activities authority to issue to a prospective employer a temporary certificate for each trainee valid for a period of not longer than 3 months from the date of issuance, authorizing the employment-training of a trainee at an hourly wage rate not less than 75% of the applicable minimum wage unless

'Under the Fair Labor Standards Act, most industries are already under 40¢ wage orders; all others will probably be so covered within a few weeks except in Puerto Rico.

As used herein the term "trainee" has reference to a disabled veteran determined to be eligible for vocational training by the Veterans Administration in an occupation covered by either the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act.

after investigation a different wage rate appears to be clearly justified. In exceptional and unusual cases, vocational rehabilitation officers may authorize employment-training at lower rates. A certificate, however, should not necessarily be issued at a rate as low as 75% of the minimum. In each case the rate should be set at a figure designed adequately to reflect the individual trainee's earning capacity.

4. Payments made on a piece rate basis to a trainee in training-on-the-job must be at the piece rate paid nonhandicapped employees in the same occupation but in no case less than the hourly wage rate set forth in the certificate.

5. The temporary certificate will be prepared in quadruplicate. The blue copy will be forwarded to the employertrainer. The green copy will be given to the trainee. The white copy will be filed in the trainee's vocational rehabilitation record file and the buff copy will be forwarded within 10 days after issuance by the vocational rehabilitation officer to the appropriate regional director of the Wage & Hour and Public Contracts Divisions, U. S. Department of Labor, together with the vocational rehabilitation officer's recommendation covering the agreed subminimum rate or rates for the balance of the training pe-The regional director of the Wage & Hour and Public Contracts Divisions, U. S. Department of Labor, will then issue a special certificate prior to the expiration of the temporary certificate covering such remaining period of training as may be required under the terms of the training agreement, but in no case for a period in excess of 9 months from the date of expiration of the temporary certificate. The effective date of the special certificate will follow consecutively the date of expiration of the temporary certificate and such certificate will authorize the employmenttraining of the affected trainee at the graduated wage scale recommended by the vocational rehabilitation officer.

6. When unusual conditions necessitate a period of employment-training at a subminimum rate in excess of one year, a renewal certificate may be issued by the Wage & Hour and Public Contracts Divisions, U. S. Department of Labor, upon the vocational rehabilitation officer's application and recommendation.

7. Vocational rehabilitation officers or the employee acting in that capacity will authenticate special certificates. (April 10, 1944) (57 Stat. 43-45)

[SEAL]

FRANK T. HINES, Administrator.

[F. R. Doc. 44-5103; Filed, April 10, 1944; 3:59 p.m.]

# Notices

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-26]

CACAO PRODUCTS

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing definitions and standards of identity for cacao nibs; chocolate liquor; sweet chocolate (coating); milk chocolate (coating); skim milk chocolate (coating); buttermilk chocolate (coating); mixed milk, skim milk, buttermilk, malted milk chocolate (coating): cocoa; breakfast cocoa; low-fat cocoa; sweet cocoa and fat (other than cacao fat) coating; and sweet chocolate and fat (other than cacao fat) coating.

# Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.); and upon the basis of evidence of record at the above-entitled hearings duly held pursuant to notice issued by the Acting Federal Security Administrator on October 11, 1940 (5 F.R. 4151), the following order be

# Findings of Fact 1-Cacao Nibs

1. The dried or cured cacao bean is the basic raw material from which cacao products are made. (R. pp. 22-23.)

2. The cacao product commonly and usually known as cacao nibs, cocoa nibs, or cracked cocoa is prepared by cleaning, heating, cracking, and removing the shell therefrom (see finding 4). (R. pp. 23-24, 42-43, 97-98, 265.)

3. The shell of the cacao bean is a hard, fibrous and unpalatable material of little nutritional value. It has only limited commercial uses, and sells at prices very much lower than the prices of cacao nibs. The presence of excess shell in nibs used in the manufacture of cacao products results in a coarse, gritty, and cheapened product; it has long been the practice of manufacturers to remove the shell as completely as is practicable. (R. pp. 23-25, 97-98, 333.)

4. The shell is removed from cacao nibs by sieving and winnowing the cleaned, heated, and cracked beans. The extent to which it is practicable to remove the shell from the nibs depends on several factors, including the equipment used, the variety of the cacao beans, the manner of curing, and the extent of Although the shell is usually heating. removed to such extent that the finished cacao nibs contain not more than about 1 percent by weight of shell, it is difficult to remove the shell of some cacao beans down to 1.5 percent. When good manufacturing practices are followed, a limit of not more than 1.75 percent by weight is a practicable and reasonable maximum for shell in the cacao nibs. (R. pp. 24-27, 36-37, 50, 74, 86-87, 90, 264, 332-333; Govt. Ex. No. 2.)

5. The quantity of shell in cacao nibs can be determined accurately by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, beginning on page 208 under the heading "Shell in Cacao Nibs-Tentative". This publication, hereinafter referred to as "Methods of Analysis-A. O. A. C., 5th Ed.", is well known to and commonly used by food chemists. (R. pp. 39-40, 56, 71-73, 83-84, 91-92, 97-98, 106, 264, 275-276, 332-333.)

6. Sometimes manufacturers heat all or part of a given lot of cacao nibs, or the cacao beans from which such nibs are made, with one or more alkalis. The effect of such alkali processing is to darken the color of the nibs, to change their flavor, aroma, and perhaps other physical or chemical characteristics. These changed characteristics render the nibs more desirable for some uses, and appear in finished cacao products made from cacao nibs so processed. (R. pp. 131-134, 266-267, 272-273, 506, 1141.)

7. One or more of the following alkalis are used in the processing of cacao nibs and are suitable for such use in a quantity not greater than that specified in finding 9: ammonium carbonate, ammonium bicarbonate, ammonium hydroxide, magnesium carbonate, magnesium oxide, potassium carbonate, potassium bicarbonate, potassium hydroxide, sodium carbonate, sodium bicarbonate, and sodium hydroxide. They are added as such or in water solutions. (R. pp. 131-134, 266-267, 272, 436, 437.)

8. When used in reference to alkaliprocessed cacao products, the term "alkali" is the name whereby the substances specified in finding 7 are designated collectively, and such term is commonly used as an alternative to the specific common names of the individual sub-

stances. (R. pp. 134-135.)

9. When potassium carbonate is the alkali used, the quantity usually added to obtain the desired characteristics is not more than three parts (calculated as anhydrous potassium carbonate) to each one hundred parts by weight of the cacao nibs used for such processing. When other alkalis specified in finding 7 are used singly, or in any combination with each other or with potassium carbonate, the quantity usually added to obtain such characteristics is such that its neutralizing value is not greater than that of the maximum quantity above specified for potassium carbonate when it is the only alkali used. The neutralizing values of such other alkalis are calculated from their respective combining weights. Larger quantities of alkalis are unnecessary and when added in excess of such amount they begin to impart "soapiness" and other undesirable characteristics. (R. pp. 131-134, 266-273, 333-334.)

10. When alkalis are added to a cacao product they combine with the free acids and perhaps other acidic constituents of the product, so that the alkalis are neutralized and are not present as such in the finished product but are present in combined form. (R. pp. 131-135, 270-272, 319-321.)

11. The distinctive characteristics of cacao products which have been subjected to the alkali process serve as a basis upon which purchasers select such products for particular uses. (R. pp. 131, 134-135, 149-150, 270-272, 319-320.)

12. The process of treating cacao products with alkalis originated in Holland, and the term "Dutch Process" has been used in the trade and on some labels for years to indicate that a particular cacao product has been subjected to this process; however, few people outside the

<sup>1</sup> Page references to certain relevant portions of the record are for the convenience of the reader. However, the findings of fact are not based solely on that portion of the record to which reference is made but on a consideration of all the evidence of record.

trade know the significance of that phrase. (R. pp. 131, 134-135, 270-272.)

13. A label statement of the presence of these optional alkali ingredients in cacao products which is informative and reasonable is a statement that the cacao product has been processed with alkali or processed with a specific alkali or alkalis, as, for example, "Processed With Alkali" or "Processed With Ammonia". (R. pp. 131-135, 271-272, 319-320, 549.)

### Chocolate Liquor

14. The solid or semiplastic food prepared by finely grinding cacao nibs is commonly known by any of the several names "chocolate liquor", "chocolate", "bitter chocolate", "baking chocolate", "cooking chocolate", "chocolate coating", "bitter chocolate coating", (R. pp. 98, 107, 274, 336, 538-539, 1565.)

15. Different varieties and grades of cacao beans contain different percentages of cacao fat; the percentage of cacao fat in the ground cacao nibs varies with the variety, grade, or blend of cacao beans used and with other factors. (R. pp. 99, 103, 106-107, 129, 369; Govt. Ex. 3:

O. P. Ex. 4.)

16. Cacao nibs seldom contain less than 50 percent or more than 58 percent by weight of cacao fat. In preparing chocolate liquor it is the normal practice to select or blend the nibs so that the finished product falls within this range. and these are practicable and reasonable limits for the cacao fat content of chocolate liquor. The quantity of cacao fat in chocolate liquor, other than that seasoned with butter, milk fat, or ground nut meats, can be determined accurately by the method prescribed in Methods of Analysis—A. O. A. C., 5th Ed., under "Fat Method I—Official" beginning on page 202. (R. pp. 98-106, 129, 274, 334-335, 369-370, 1273-1274; Govt. Ex. 3.)

17. Although chocolate liquor is extensively used in the home for culinary purposes, its principal use is as one of the basic ingredients in the manufacture of various chocolate products. (R. pp. 107-

108, 110-111, 489-490.)

18. Various products in which chocolate liquor is used are manufactured according to formulae in which the percentage of cacao fat is an important factor (see finding 48). Manufacturers who purchase chocolate liquor for such purposes ordinarily do so on specifications as to its fat content. (R. pp. 107, 404-409, 540-541, 1018, 1139, 1144-1149, 1169.)

19. Different batches of chocolate liquor are adjusted to the desired percentage of cacao fat, within the limits of 50 percent to 58 percent, by adding to it either cacao fat or a cocoa (see findings 25 to 28, inclusive). If the chocolate liquor contains less cacao fat than desired, sufficient cacao fat is added to correct the deficiency; if it contains more, a cocoa is added to reduce the fat. The addition of both cacao fat and cocoa is not only unnecessary but is objectionable because such a mixture, even when it comes within the limits of fat content of chocolate liquor, is not chocolate liquor. (R. pp. 129-130, 195, 225, 334, 369, 403-407, 538, 1273-1274, 1529, 3467-3469.)

20. When alkali-processed chocolate liquor is desired, it is the general practice to add the alkalis specified in finding 7 to the cacao beans or nibs from which the chocolate liquor is prepared, as indicated in finding 6. However, manufacturers sometimes process the chocolate liquor itself with such alkalis. In either case findings 6 to 13, inclusive, are applicable to chocolate liquor, except that when the chocolate liquor itself is alkalized, the quantity of alkali used is calculated on the basis of the weight of cacao nibs used in preparing the chocolate liquor, including the nibs used in preparing any cocoa added thereto, and not on the basis of the weight of the finished chocolate liquor. (R. pp. 131, 506.)

21. Ingredients which are used to spice, flavor, or otherwise season chocolate liquor and which are suitable for such use are one or any combination of two or more of the substances listed in the

following groups:

I. Ground spice.

II. Ground vanilla beans; any natural food flavoring oil, eleoresin, or extract.

III. Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring. IV. Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

The use of such substances or combinations thereof is subject to the restrictions indicated in finding 22. 137-140, 218, 275-276, 421, 632, 700, 806-807, 1008, 1261-1262, 1537, 3424-3427, 3463-3464.)

22. Substances or combinations that impart a flavor which imitates the flavor of butter, milk, or chocolate are not generally regarded in the industry as legitimate ingredients of cacao products. It is cheaper to impart butter-like and milk-like flavors by such substances than by the use of butter and milk. The substances which impart chocolate-like flavors cause cacao products made from cheap, low-grade cacao beans to taste like those made from expensive, highgrade beans. The effect of the use of all such substances is to make the finished products appear better and more valuable than they are. Their use would tend to mislead or deceive consumers. (R. pp. 138, 276–277, 620, 1605–1606, 1621, 1626, 1648, 1672, 1687–1690, 2808, 3424– 3427, 3463-3464.)

23. It is not the usual practice to add to chocolate liquor any of the seasoning ingredients specified in finding 21, except salt, and unless informed of such additions (other than salt) by appropriate labeling consumers generally do not expect chocolate liquor to contain such ingredients. (R. pp. 137-140, 1612-1613, 1643-1644.)

24. Label statements of the presence of such optional seasoning ingredients in chocolate liquor which are accurate and informative are those listed below for each of groups I to IV, inclusive, specified in finding 21:

Group I: "Spiced", "Spice Added", "With Added Spice"; or "Spiced With ", "\_\_\_\_ Added", or "With Added,", the blank being filled in with the specific common name of the spice used.

Group II: "Flavored", "Flavoring dded", "With Added Flavoring", "Fla-Added" vored With \_\_\_\_\_, "\_\_\_ Added", or "With Added \_\_\_\_\_, the blank being filled in with the specific common name

of the flavoring used.

Group III: "Artificially Flavored",
"Artificial Flavoring Added", "With
Artificial Flavoring", "Artificially Flavored With \_\_\_\_\_\_", or "With \_\_\_\_\_\_, an
Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used. Group IV: "Seasoned With \_\_.

the blank being filled in with the specific common name of the substance used as seasoning. R. pp. 138-141, 276-278,

421, 1541, 1609-1613.)

25. The various cocoas are made by removing a portion of the cacao fat from ground cacao nibs and then pulverizing the residual material. (R. pp. 117-120, 308-310, 337.)

26. The different kinds of cocoas are distinguished from each other on the basis of the range in the cacao fat content of each. (R. pp. 117-120, 308-310.)

27. Two kinds of cocoas are generally made and sold for use in the home; one contains not less than 22 percent, the other less than 22 but not less than 10 percent, by weight of cacao fat. The former is commonly and usually known as "breakfast cocoa" or "high fat cocoa", the latter as "cocoa" or "medium fat cocoa". (R. pp. 117-118, 309-310, 329.)

28. A kind of cocoa which contains

less than 10 percent of cacao fat is also produced in large quantity for manufacturing use. In the trade this kind of cocoa, when it contains around 8 percent fat, has commonly been called "cocoa", and is usually sold on specifications as to fat content. The name "cocoa" unqualified is an inaccurate designation of this product and would not serve to distinguish it from house-hold cocoa. When it contains around one percent fat it has been designated as low-fat cocoa or by fanciful names suggesting its low fat content. name "low fat cocoa" is an informative and appropriate name for the kind of cocoa which contains less than 10 percent by weight of cacao fat. (R. pp. 119-120, 164, 310, 337-341, 455-458.)

29. When alkali-processed cocoas are desired, it is the general practice to make them from alkalized ground cacao nibs. However, manufacturers sometimes process the cocoas themselves with one or more of the alkalis specified in finding 7. In either case, findings 6 to 13, inclusive, are applicable, except that, when a cocoa itself is alkalized, the quantity of alkali used is calculated on the basis of the weight of the cacao nibs used in preparing such cocoa. (R. pp. 131-134, 266-268.)

30. Ingredients which are used to spice, flavor, or otherwise season cocoas and which are suitable for such use are one or any combination of two or more of the substances specified in groups I, II, III, and V in finding 21; finding 22 is applicable to the use of such substances. (R. pp. 137-140.)

31. It is not the usual practice to add to cocoas any of the seasoning ingredients specified in finding 21 except salt, and unless informed of such additions (other than salt) by appropriate labeling consumers generally do not expect cocoas to contain such ingredients. (R. pp. 137-140, 1591.)

32. Label statements of the presence of any such optional seasoning ingredient in any cocoa which are accurate and informative are those specified for such ingredient in finding 24. (R. pp. 137-

140.)

33. The quantity of cacao fat in each kind of cocoa can be determined accurately by the method prescribed in Methods of Analysis—A. O. A. C., 5th Ed., under "Fat Method I—Official", beginning on page 202. (R. p. 274.)

### Sweet Chocolate

34. The food commonly and usually known as "sweet chocolate" or "sweet chocolate coating" is the solid or semiplastic food composed basically of chocolate liquor intimately mixed and ground with one or more of the saccharine ingredients specified in findings 39 to 41, inclusive. (R. pp. 107-108, 458, 537-538,

640-641, 1167-8, 3313, 3315.)

35. Although sweetness is a characterizing property of sweet chocolate, its principal characteristics are its chocolate taste, flavor, aroma, and color. These are derived from its chocolate liquor ingredient and may vary somewhat in strength with different kinds of cacao beans used and different degrees of roasting of such beans. When insufficient chocolate liquor is used, the finished product is excessively sweet and fatty and is deficient in chocolate characteristics. It is therefore necessary that sufficient chocolate liquor be used to insure the presence in the finished product of chocolate characteristics which are so substantial that the finished product is readily recognized by consumers as sweet chocolate. (R. pp. 108-109, 200, 358-359, 364-373, 518, 539-545, 993, 1017-1018, 1231, 3376-3378, 3413-3418, 3429, 3500-3501.)

36. It is customary in the trade to express the strength of the chocolate characteristics in sweet chocolate in terms of its chocolate liquor content. The components of chocolate liquor which give its outstanding characteristics of taste, flavor, aroma, and color are in the nonfat portion, which constitutes about 50 percent of the chocolate liquor. The percent of the nonfat portion varies somewhat in different chocolate liquors, depending on the percentage of cacao fat and whether or not alkali or other optional ingredients are added. In order to express the strength of chocolate characteristics in sweet chocolate with a fair degree of uniformity and precision, it is necessary that such strength be expressed as the percentage of chocolate liquor calculated as a nonalkalized, nonseasoned chocolate liquor containing 50 percent of cacao fat. A method for such calculation is as follows: Subtract from the weight of chocolate liquor used the weight of cacao fat therein and the weights of alkali and seasoning ingredi-

ents therein, if any. Multiply the remainder by 2, divide the result by the weight of the finished sweet chocolate, and multiply the quotient by 100. (R. pp. 130-131, 535, 570, 623, 628, 854, 899-, 943-946, 993, 1017-1018, 1368, 3392-

37. To insure that the chocolate characteristics of the finished product are sufficient to be readily recognizable by consumers as sweet chocolate, it should contain not less than 15 percent by weight of cholocate liquor, calculated as indicated in finding 36. Most sweet cholocate contains substantially more than this quantity, and this is a reasonable minimum for the chocolate liquor content of sweet chocolate. (R. pp. 109, 360, 476, 517, 542, 678-679, 1038, 1278, 1342, 1652, 2404-2405, 2563, 2778-2779,

3377, 3392.)

38. Sweet chocolate of a relatively high chocolate liquor content and strong chocolate characteristics is frequently designated as "bittersweet chocolate", "bittersweet chocolate coating", "semisweet chocolate", "semisweet chocolate coating". The strong chocolate characteristics of sweet chocolate so designated result from the use in such product of not less than 35 percent by weight of chocolate liquor, calculated as indicated in finding 36; this minimum is necessary to insure such charactertistics. 154, 295, 317, 871, 1005, 1141-1142, 1176, 1210-1216, 1227-1230, 1253, 1276-1277, 2402, 2563, 3160.)

39. The sweetening ingredient traditionally used in sweet chocolate and most commonly used today is sugar, known chemically as sucrose, derived from sugar cane or sugar beets and refined to such extent that it free from perceptible color, odor, and flavor other than sweetness. (R. pp. 2226, 2813, 3587, 3757; O. P. Ex.

40. Sometimes partly refined cane sugar is also used, either alone or in combination with sugar. To be suitable for such purpose, raw cane sugar is subjected to some process of partial refinement, such as washing. (R. pp. 1517-1519, 2792-

2803, 3581-3586, 3608-3609.)

41. Anhydrous dextrose or dried corn sirup or a mixture of these is sometimes used in a limited quantity (see finding 44), in combination with sugar or partly refined sugar or both, as part of the sweetening ingredient of sweet chocolate. Anhydrous dextrose suitable for such use is the refined anhydrous monosaccharide obtained from hydrolized starch. Dried corn sirup suitable for such use is the product prepared by incompletely hydrolyzing corn starch and is refined to such extent that, on a dry basis, it contains not less than 58 percent by weight of reducing sugars. (R. pp. 719, 962-968, 1637-1639, 2170-2180, 2391-2393, 2560-2562, 3158-3159, 3235-3237,)

42. The primary purpose of using saccharine substances in cacao products is to sweeten them. (R. pp. 1256, 2226.)

43. Anhydrous dextrose and dried corn sirup are less sweet than sugar. anhydrous dextrose being about twothirds as sweet as sugar and dried corn sirup about one-half as sweet as sugar. (R. pp. 1993, 2029, 2214-2226, 2231, 2819,

3342-3344, 3352-3358; O. P. Exs. Nos. 23 to 26, incl.)

44. By reason of their lesser sweetness and other characteristics, neither anhydrous dextrose nor dried corn sirup nor any mixture of these is suitable for use as the sole sweetening ingredient of sweet chocolate: they are suitable ingredients only when used in combination with sugar or partly refined sugar or both. The quantity of anhydrous dextrous or dried corn sirup or mixture of these which is suitable for such use is a quantity so limited that there is no substantial difference in the sweetness, texture, and flavor of the sweet chocolate and the sweetness, texture, and flavor of a sweet chocolate of substantially the same composition (other than the kinds of saccharine ingredients present) in which sugar alone is used as the sweetening ingredient. Such quantity varies somewhat with the different kinds of cacao beans used in making the chocolate liquor. Generally manufacturers do not use more than one-third by weight of anhydrous dextrose in a mixture of anhydrous dextrose and sugar or partly refined sugar or both, and not more than one-fourth by weight of dried corn sirup in any such mixture. When both dried corn sirup and anhydrous dextrose are used in mixture with sugar or partly refined sugar or both, the quantities of anhydrous dextrose and dried corn sirup are so limited that twice the weight of the anhydrous dextrose used added to three times the weight of the dried corn sirup used is not more than the weight of the sugar, partly refined sugar, or combination thereof used, as the case may be. (R. pp. 721-723, 808, 962-964, 986-987, 1637-1639, 2393, 2561-2562, 3162, 3234-3237.)

45. There are slight differences in the cost of the various saccharine ingredients used in sweet chocolate. However, these are not sufficient to be reflected by differences in the retail prices of sweet chocolate and are not of material significance to consumers. (R. pp. 2663-

2667, 3260.)
46. There is a theoretical difference in caloric value between anhydrous dextrose and sucrose and between dried corn sirup and sucrose. However, these differences are less than the variations in metabolism of the same carbohydrate in the same person on the same day, due to various factors, so that the caloric food values of these saccharine substances are not materially different. (R. pp. 1974-1992, 2123-2167.)

47. The sweetness of sweet chocolate varies widely between different brands and between different batches of the same brand because of the wide variation in the percentage of chocolate liquor used and the differences in flavor of such chocolate liquors. The sweetness of sweet chocolate is of secondary significance to its chocolate characteristics, and consequently the differences in sweetness which may result from the use of different saccharine ingredients in the proportions indicated in finding 44 is of no material significance to consumers. Nor does the use of different saccharine ingredients produce any significantly different physical characteristics in the finished product. (R. pp. 809-810, 965-968, 1639, 2393, 2563, 2856-2865, 3162-3165, 3240.)

48. The percentage of chocolate liquor in most sweet chocolate is too small to supply a sufficient quantity of fat to, impart the plasticity or viscosity expected and necessary when the chocolate is used for eating as such or for coating confections. Cacao fat is therefore added in the preparation of most sweet chocolate. The quantity added depends on the particular use for which the sweet chocolate is intended. (R. pp. 407-408, 540, 1147.)
49. Uniformity of viscosity is particu-

larly important in sweet chocolate used for enrobing confections in order to insure that uniformity of thickness of covering demanded by manufacturing confectioners. Adjustment to a specific fat content does not of itself insure the requisite uniformity of viscosity or that the viscosity will remain sufficiently uniform over any extended period of use of such sweet chocolate. This is due principally to unavoidable variations in the moisture content of the sweet chocolate. caused by differing atmospheric conditions, by the moisture content of the confections being enrobed, and by other factors. (R. pp. 1228-1236; O.P. Ex. No. 4; O.P. Ex. No. 5.)

50. By the use of small quantities of an emulsifying ingredient, the viscosity of different batches of sweet chocolate may be held within a narrow range. Lecithin, with or without related natural phosphatides, and the monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof, alone or mixed with lecithin, are suitable for use as such emulsifying ingredients. The quantity of these emulsifiers needed is not more than 0.5 percent by weight of the finished sweet chocolate. (R. pp. 142, 185, 295, 466, 821, 995, 1161, 1303, 1428-1429, 1796, 1802, 1835, 1889-1891, 1918-1922, 3045.)

51. Emulsifiers are commonly added to sweet chocolate mixed with a vegetable food fat which serves as a carrier for such emulsifiers. Vegetable food fat carriers which are used for this purpose, and which are suitable for such use, are cacao fat, soybean oil, corn oil, and others. The quantity of such fat necessary for such purpose is not more than 40 percent by weight of such mixture. (R. pp. 995, 1161, 1304, 1328, 1425, 1455, 2701, 2730, 2740-2741, 2745, 3049-3056, 3075, 3085.)

52. Incident to its desired effect of maintaining uniform viscosity of sweet chocolate coating, the use of such emulsifiers makes it possible to obtain a given viscosity with somewhat less cacao fat than would otherwise be required. Much sweet chocolate coating is produced without added emulsifier, but ordinarily such coatings contain a higher percentage of cacao fat than comparable coatings of equal viscosity which contain added emulsifier. Because sweet chocolate coatings containing emulsifiers have different characteristics as to viscosity and because they may contain lower quantities of cacao fat than a sweet chocolate of a similar viscosity which does not contain emulsifiers, it is in the consumer's interest to know when emulsifiers are present in sweet chocolate coating. R. pp. 143, 1169, 1302, 1865–1868, 1926–1928; O. P. Exs. Nos. 4, 5 and 6.)

53. The specific names of the emulsifiers used are not familiar to most consumers, but these substances are generally referred to by their collective common name "emulsifiers". The label statement "Emulsifier Added" or "With Added Emulsifier" is an informative and appropriate statement of the presence of such substances. (R. pp. 1901, 1769–1776, 1786–1792.)

54. When the characteristics resulting from processing with alkali are desired, sweet chocolate is made from chocolate liquor alkalized as described in finding 20. In such cases findings 11 to 13, inclusive, are applicable. (R. pp. 131–132.)

55. The spice, flavoring, and other seasoning ingredients which are used in sweet chocolate and which are suitable for such use (subject to the exception noted in finding 22) are one or more of the following: ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, vanillin or ethyl vanillin or coumarin or any other artificial food flavor, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt (see finding 21). (R. pp. 631, 4512, 2226, 2838, 2838–2839, 3596).

56. Consumers ordinarly expect sweet chocolate to contain seasoning ingredients. However, when an artificial flavoring is used, it is of interest to consumers to know that the flavoring is not a natural flavoring. The label statements "Artificially Flavored" or "With Artificial Flavoring" or "Artificial Flavoring Added" are informative and reasonable statements of the presence of artificial flavoring in sweet chocolate. Other such label statements are those of which the following are examples: "Artificially Flavored with Coumarin", "With Vanillin, and Artificial Flavoring". (R. pp. 140, 276-278, 1492, 1609-1613.)

57. In order to modify somewhat the taste and flavor of sweet chocolate, the following dairy ingredients are frequently used and are suitable for such use: butter, cream, milk fat, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated (condensed or evaporated) skim milk, sweetened condensed skim milk, nonfat dry milk solids sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream b

such that the milk constituent solids in the finished sweet chocolate is substantially less than 12 percent by weight. In order to set sweet chocolate containing these ingredients apart from milk chocolate and other analogous cacao products, it is reasonable to require that such milk constituent solids in sweet chocolate be less than 12 percent by weight. (R. pp. 113-117, 135-137, 150, 221, 278-279, 295, 350-351, 386-388, 442, 505, 523, 814.)

# Milk Chocolate

58. The food commonly and usually known as "Milk Chocolate", "Sweet Milk Chocolate", "Sweet Milk Chocolate Coating", and "Sweet Milk Chocolate Coating" is the solid or semiplastic food composed basically of chocolate liquor intimately mixed and ground with milk solids and one or more of the saccharine ingredients specified in findings 39, 40, and 41. Findings 35, 36, and 39 to 56, inclusive, are applicable to milk chocolate, except as indicated in finding 59. (R. pp. 109-112, 150, 297, 343, 1259, 2780.)

150, 297, 343, 1259, 2780.)

59. Compared with sweet chocolate, milk chocolate is characterized by its readily perceptible taste and flavor of milk and other characteristics resulting from the quantity of milk solids used. It is usually also characterized by somewhat less prominent chocolate characteristics, and it has been the general practice in the industry to use a relatively smaller percentage of chocolate liquor in milk chocolate than in sweet chocolate. (See finding 35.) (R. pp. 109–112, 360, 386–387.)

60. To insure that the finished product is adequately characterized by its chocolate ingredient, it is necessary that the quantity of chocolate liquor used be such that the finished milk chocolate contains not less than 10 percent by weight of chocolate liquor, calculated as indicated in finding 36. Most milk chocolate contains substantially more than this quantity and this is a reasonable minimum for the chocolate liquor content of milk chocolate. (R. pp. 110, 1010, 1217, 1247, 1280, 1653, 2780, 3392.)

61. The dairy ingredients which are

used to supply the milk solids in milk chocolate and which are suitable for such use are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and reconstituted milk solids. When milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk or any mixture of these is used, the milk fat content may be in-creased through the addition of butter, cream, or milk fat for the purpose of enhancing the characteristics contributed by these substances, but the total milk fat content, after such increase, does not exceed the known limit of the ratio of fat to nonfat milk solids for whole milk. which is not more than 1 part of milk fat to 1.2 parts of nonfat milk solids. The dairy ingredients used to supply milk constituent solids in the reconstitution of milk solids are skim milk, concentrated (evaporated or condensed) skim milk, sweetened condensed skim milk, nonfat dry milk solids, or any two or more of these, combined with butter, cream, or milk fat, or any mixture of

The record upon which these proposed findings of fact and proposed standards are based refers to this product as "dried skim milk." This term had been designated by the Federal Security Administrator as one of the common or usual names of this product. (5 F.R. 2543.) By Public Law No. 244, Ch. 77, 78th Cong., 2d Sess., approved March 2, 1944, Congress prescribed for the purposes of the Federal Food, Drug, and Cosmetic Act the names "nonfat dry milk solids" and "defatted milk solids" for this product. In this proposed order, therefore, the term "nonfat dry milk solids" has been used to designate the product referred to in the record as "dried skim milk."

two or all of these. The ratio of fat to nonfat solids in milk delivered to consumers averages 1 to 2.275, as determined by Nation-wide surveys. When the milk constitutent solids of milk chocolate are reconstituted, it is practicable and in the interest of consumers that such milk constituent solids be so adjusted that the ratio of milk fat to nonfat milk solids does not fall below such average ratio of fat to nonfat of the fluid milk sold to consumers nor exceed the known limits of such ratio, namely, 1 to 1.2, referred to above. (R. pp. 111-112, 150-152, 221, 295, 442, 505, 523, 549-551, 814, 3187-3197, 3229-3230.)

62. It has long been the practice of the industry to use not less than 12 percent by weight of milk solids in milk chocolate. This quantity is necessary to insure the milk characteristics expected by consumers. (R. pp. 109, 1249, 2780.)

# Skim Milk Chocolate; Buttermilk Chocolate

63. The plastic or semiplastic foods commonly known as "skim milk choco-late" and "buttermilk chocolate" are of the same composition as milk chocolate, except that the only dairy ingredient solids in them are those of skim milk and sweet cream buttermilk, respectively. The skim milk solids are obtained by the use of skim milk, concentrated (evaporated or condensed) skim milk, sweetened condensed skim milk, nonfat dry milk solids, or any mixture of these. The buttermilk solids are obtained by the use of concentrated sweet cream buttermilk or dried sweet cream buttermilk or both. Fluid sweet cream buttermilk would also be suitable. To insure that the finished products possess the dairy ingredient characteristics expected by consumers, the quantity of skim milk solids in skim milk chocolate and of buttermilk solids in buttermilk chocolate is not less than 12 percent by weight. Except in the respects indicated in this finding, findings 35, 36, and 39 to 56, inclusive, and findings 59 and 60 are applicable to skim milk chocolate and buttermilk chocolate. Synonyms commonly used for skim milk chocolate are "sweet skim milk chocolate", "skim milk chocolate coating", and "sweet skim milk chocolate coating". A synonym commonly used for buttermilk chocolate is "buttermilk chocolate coating". (R. pp. 112-116, 221, 297, 342-343, 624.)

64. There are several kinds of cacao products which are of the same composition as milk chocolate, except that the milk constituent solids in them are those of mixtures of two or more of the following: milk, skim milk, sweet cream buttermilk, malted milk. Such solids are obtained by using dairy ingredients specified in findings 61 and 63, with or without malted milk. To insure that the milk constituent solids of each dairy ingredient used will impart its characteristics to the finished article, each such ingredient is used in such quantity as to contribute not less than one-third of the weight of milk constituent solids contributed by that dairy ingredient present in largest proportion. To insure that the finished product possesses the milk constituent characteristics expected

by consumers, the quantity of any such mixture used is such that the finished article contains not less than 12 percent by weight of milk constituent solids. In order to distinguish such articles prepared with a mixture of milk solids and skim milk solids from milk chocolate, it is reasonable to require that the nonfat milk solids in such mixture be more than 2.275 times the quantity of milk fat therein. Findings 35, 36, and 39 to 56, inclusive, and findings 59 and 60 are applicable to these articles. (R. pp. 114-117, 342-343.)

65. These cacao products containing mixed dairy ingredients have not acquired common or usual names. Names for these foods which will distinguish them from other cacao products and which are accurate and informative are the names made up by "chocolate" or "chocolate coating" preceded by any two or more of the terms "milk", "skim milk", "buttermilk", "malted milk", as the case may be, and arranged in the order of predominance, if any, of the weight of milk constituent solids contributed by each such dairy ingredient. (R. pp. 115-117.)

Coatings Made From Sweet Chocolate or Sweet Cocoa and Fats Other Than Cacao Fat

66. Two kinds of chocolate flavored coatings, which are made with fats other than cacao fat, are produced and marketed for special uses. These coatings resemble sweet chocolate in taste and appearance but are separate identities. One kind of such coating is used as a coating for ice cream and other frozen desserts and the other as a coating for confections, bakery products, and other products held for retail sale under circumstances where they are exposed to relatively high temperatures. (R. pp. 614, 624-625, 653-655, 668-670, 837-838, 895-898, 924, 935, 939-940.)

67. Most sweet chocolate coating is not entirely suitable for use as a coating for ice cream and frozen desserts because the melting point of cacao fat is relatively high as compared to the temperature of such products; by reason of this fact sweet chocolate coating cannot be applied to frozen desserts with uniform thickness and after application such coating becomes brittle and is liable to crack and fall off in pieces. (R. pp. 608, 624-625,

837-838, 898.) 68. To overcome these difficulties a coating has been developed which remains plastic at temperatures of frozen desserts and which can be applied to such products with a more nearly uniform thickness. These physical characteristics are obtained by using in such coating, in lieu of added cacao fat, one or a mixture of two or more vegetable food oils or fats, other than cacao fat, which has a melting point lower than that of cacao fat. Except in the respects indicated in this finding and in finding 73, such coating conforms in composition to that of sweet chocolate coating and findings 35 to 37, and 39 to 57, inclusive, are applicable. (R. pp. 608, 625-628, 646, 655, 668-670, 729, 837-838, 895-898, 924, 939-940.)

69. Such low-melting-point coating is not generally known to consumers of coated frozen desserts by any particular name, because it has been sold as such only to manufacturers of such desserts. Such coating is ordinarily sold under such terms as "Ice Cream Coating", "Paddle Pop Paste", "Northern Lite Ice Cream Coating", and other similar designations. None of these designations identifies the product for what it is or differentiates it from other chocolate products which it resembles. A designation which is accurate and informative and which will distinguish this product from other coatings is a term which discloses the fact that it is a sweet coating containing chocolate and a fat other than cacao fat, as, for example, "Sweet Chocolate and Coconut Oil Coating". (R. pp. 120–123, 313, 837–840, 934, 951, 1043–1044, 1162, 1524, 2720.)

70. When sweet chocolate coating is used as a coating for confections, bakery products, and other products which are held for sale in warm places or under ordinary retail storage conditions during the summer months, particularly in the southern parts of the country, such coating will frequently melt since the melting point of cacao fat is relatively low as compared to such temperatures. Such melting will cause these coated products to become gray and unsightly. (R. pp. 566-567, 603, 614, 668-670, 729,

935-938, 998.)

71. To overcome the merchandising problem resulting from the melting of sweet chocolate coating on confectionery and such other products, a coating similar to sweet chocolate has been developed which will not ordinarily melt under such conditions of storage and sale. This results from the use, instead of chocolate liquor, of any one of the cocoas (usually low-fat cocoa) and a fat of a melting point higher than that of cacao fat. Such fats are any one or a mixture of two or more hardened or hydrogenated vegetable food oils and fats, other than cacao fat. Vegetable stearins are also used for this purpose. Except in the respects indicated in this finding and in findings 72 and 73, such coating conforms in composition to that of sweet chocolate coating and findings 35 to 37, and 39 to 57, inclusive, are applicable. (R. pp. 566-567, 586, 668-670, 729, 837-841, 935-940 998)

72. Because the characterizing cacao ingredient is a cocoa instead of chocolate liquor, it is appropriate that the minimum for such ingredient be expressed in terms of nonflavored, nonalkalized, fatfree cocoa which is a minimum of 71/2 percent nonfat cacao solids. Such nonfat cacao solids are calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished coating. and multiplying the quotient by 100.

73. Because distinctions based on the quantities of dairy ingredients present have not developed in the uses of the lowmelting-point and high-melting-point coatings and in the designations under which they are sold, there is no basis for the maximum limit set forth in finding

57 for such ingredients.

74. The high-melting-point coating is not generally known to consumers by any particular name, because it has been sold as such only to confectioners, bakers. and other manufacturers. Such coating is ordinarily identified in the trade as "Cocoa Coating", "Summer Coating", "Sudan Summer Coating", "Supreme Coating", and perhaps other similar designations. None of these designations identifies the product for what it is or differentiates it from other chocolate products which it resembles. A designation which is accurate and informative and which will distinguish this product from other coatings is a term which discloses the fact that it is a sweet coating containing cocoa and a fat other than cacao fat, as, for example, "sweet cocoa and hardened coconut oil coating". (R. pp. 120-123, 313, 602-603, 633, 837-840, 879, 934, 951, 992, 1043-1044, 1159, 1162, 1524, 2722, 2784.)

On the basis of the foregoing findings of fact it is concluded that each of the following regulations fixing and establishing a definition and standard of identity for a cacao product will promote honesty and fair dealing in the interest of consumers:

§ 14.1 Cacao nibs, cocoa nibs, cracked cocoa, identity; label statement of optional ingredients. (a) Cocao nibs, cocoa nibs, cracked cocoa is the food prepared by heating the cracked dried or cured and cleaned cocoa beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aquaous solution: bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 percent by weight (calculated to an alakali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs—Tentative" beginning on page 208 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a), the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specified common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 14.2 Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating, identity; label statement of optional ingredients. (a) Chocolate liquor, chocolate, baking bitter chocolate, cooking chocolate, chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding To such ground cacao nibs cacao nibs. either cacao fat or cocoa, but not both, may be added. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in subparagraphs (1), (2), or (3) which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

(5) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkali used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 percent and not more than 58 percent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I-Official" beginning on page 202 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written,

printed, or graphic matter.

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a) (1) the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With \_\_\_\_", or "With Added \_\_\_\_", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a) (2), the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With \_\_\_\_\_, "\_\_\_\_ Added", or "With Added \_\_\_\_\_, the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3), the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With \_\_\_\_\_, An Artificial Flavoring", the blank being filled in with the specific common name of the

artificial flavoring used.

(4) When the food is seasoned with an optional ingredient specified in paragraph (a) (4), the label shall bear the statement "Seasoned With \_\_\_\_\_", the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali in-

gredient may be used.

Label statements prescribed by sub-paragraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.3 Breakfast cocoa, high fat cocoa, identity; label statement of optional ingredients. (a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract. (3) Vanillin, ethyl vanillin, coumarin,

or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast

cocoa contains not less than 22 percent of cacao fat, as determined by the method prescribed under "Fat Method I-Official" beginning on page 202 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition,

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is seasoned with an optional ingredient specified in paragraph (a) (1), the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With \_\_\_\_\_" or "With Added \_\_\_\_\_", the blank being filled in with the specific common name

of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a) (2), the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With \_\_\_\_, "\_\_\_ Added", or "With Added \_\_\_\_,", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3), the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial

Flavoring".

"Artificially Flavored With "With \_\_\_\_, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring

(4) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as, for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring.

- § 14.4 Cocoa, medium fat cocoa, identity; label statement of optional ingredients. Cocoa, medium fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 22 percent but not less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a).
- § 14.5 Low-fat cocoa, identity; label statement of optional ingredients. fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a).

§ 14.6 Sweet chocolate, sweet chocolate coating, identity; label statement of optional ingredients. (a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccahrine ingredients specified in paragraph (b). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin,

or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related

natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk, solids, concentrated buttermilk, dried buttermilk,

malted milk. If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredi-

ents used.

(4) Any mixture of dextrose, dried corn sirup, and sugar or partly refined cane sugar or both, in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 percent by

weight of reducing sugars.

(d) "Semisweet chocolate", "bittersweet chocolate", "semisweet chocolate coating", and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a).

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously preceded or follow such name, without intervening written,

printed, or graphic matter:
(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2), the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With \_\_\_\_, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier".

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed with Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as, for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.7 Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating, identity; label statement of optional ingredients. (a)

Milk chocolate, sweet milk chocolate, not less than 1.2 times the quantity of milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one of the eight optional dairy ingredients specified in paragraph (b), sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (c). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin,

or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related

natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in § 14.1 (a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the re-mainder by 2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) are as follows:

(1) Milk.

(2) Concentrated milk.

(3) Evaporated milk. (4) Sweetened condensed milk.

(5) Dried milk.

(6) Butter, milk fat, cream, or any two or all of these combined with any of the foregoing; but the quantity of nonfat milk solids in any such combination is not less than 1.2 times the quantity of milk fat therein.

(7) Skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, or any two or more of these, combined with butter, milk fat, cream, or any two or all of these; but the quantity of nonfat milk solids in any such combination is not more than 2,275 times and

milk fat therein.

(8) Any mixture of two or more of the foregoing.

(c) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written,

printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2), the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ...,", or "With ..., An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) is used, the label shall bear the statement "Emulsifier Added" or "With Added

Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as, for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.8 Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating-identity; label statement of optional ingredients. Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that instead of any dairy ingredient specified in § 14.7 (b), skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids. or any combination of two or more of these, is used in such quantity that the finished skim milk chocolate contains not less than 12 percent by weight of skim milk solids.

§ 14.9 Buttermilk chocolate, buttermilk chocolate coating-identity; label statement of optional ingredients. Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that instead of any dairy ingredient specified in § 14.7 (b), sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these, is used in such quantity that the finished buttermilk chocolate contains not less than 12 percent by weight of sweet cream buttermilk

§ 14.10 Mixed dairy product chocolates, mixed dairy product chocolate coatings-identity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that the dairy ingredient used in each such article is a mixture of two or more of the following four components:

(1) Any one of the eight dairy ingredi-

ents specified in § 14.7 (b).

(2) One or more of the five skim milk ingredients specified in § 14.8.

(3) One or more of the three sweet

cream buttermilk ingredients specified in

(4) Malted milk.

For the purposes of paragraph (b), the designation of each of the foregoing components is respectively "Milk", "Skim Milk", "Buttermilk", and "Malted Milk". The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (1) and (2), the quantity of nonfat milk solids in such mixture is more than 2.275 times the quantity of milk fat therein. Each of the finished articles contains not less than 12 percent by weight of milk constituent solids.

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constituent solids in each such component. (For example, "milk and skim

milk chocolate".)

§ 14.11 Sweet chocolate and vegetable fat (other than cacao fat) coatingsidentity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination has a melting point lower

than that of cacao fat.

(2) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

(b) The name of each such article is "sweet chocolate", followed by the specific common name of each added oil and fat, followed by "Coating". (For example: "Sweet chocolate and cottonseed oil coating".) If two or more such

oils or fats are added, such names are arranged in the order of the predominance, if any, by weight of such oils and fats.

(c) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by § 14.6 (a).

§ 14.12 Sweet cocoa and vegetable fat (other than cacao fat) coatings—identity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation cocoa is used, instead of chocolate liquor, in such quantity that the finished food contains not less than 7½ percent by weight of nonfat cacao solids, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.)

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not

(b) The name of each such article is "sweet cocoa", followed by the specific common name of each added oil, fat, and stearin (including the word "hardened" if any such oil or fat is hydrogenated), followed by "coating". (For example, "Sweet Cocoa and Hardened Coconut Oil Coating".) If two or more such oils, fats, or stearins are added, such names are arranged in the order of the predominance, if any, by weight of such oils, fats, and stearins.

Any interested person whose a pearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 4148, South Building, 14th Street and Independence Avenue, S.W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or brief should be submitted in quintuplicate.

[SEAL] WATSON B. MILLER,
Acting Administrator.

APRIL 8, 1944.

[F. R. Doc. 44-5110; Filed, April 11, 1944; 10:54 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[S. O. 70-A, Special Permit 184]

RECONSIGNMENT OF ORANGES AT SAN FRAN-CISCO, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at San Francisco, California, April 6 or 7, 1944, by California Fruit Growers Exchange of car PFE 51172, oranges, now on the Navy Provisions Pier 56, to Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association-of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

eral Register.
Issued at Washington, D. C., this 6th day of April 1944.

Homer C. King, Director, Bureau of Service.

[F. R. Doc. 44-5078; Filed, April 10, 1944; 11:28 a.m.]

[S. O. 70-A, Special Permit 185]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, April 6 or 7, 1944, by Dandee Produce Company of car PFE 70592, tomatoes, now on the Wabash Railroad, to New York, New York.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of April 1944.

Homer C. King,
Director,
Bureau of Service.

[F. R. Doc. 44-5079; Filed, April 10, 1944; 11:28 a. m.]

[S. O. 178, Special Permit 110]

LOADING OF CHEESE AT FREEPORT, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of one refrigerator car with cheese in glass and packages and spread in glass by Kraft Cheese Company at Freeport, Illinois, and the movement of the one car so loaded from that point April 7, 1944, to Detroit, Michigan (C. M. St. P. & P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of April 1944.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 44-5080; Filed, April 10, 1944; 11:29 a.m.]

[S. O. 164, General Permit 15]

REFRIGERATION OF GRAPEFRUIT FROM FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with grapefruit originating at any point or points in Florida moving direct, to destinations in Canada, or to destinations in the United States located west of the western boundaries of the states of Missouri, Iowa and Minnesota and north of the northern boundaries of the states of

Oklahoma, New Mexico and Arizona, without

stop-off at intermediate points.

This general permit shall become effective at 12:01 p. m., April 7, 1944, and shall expire at 12:01 a. m., June 6, 1944.

The waybills shall show reference to this

general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal

Issued at Washington, D. C., this 7th day of April 1944.

> HOMER C. KING. Director, Bureau of Service.

[F. R. Doc. 44-5081; Filed, April 10, 1944; 11:29 a. m.]

[S. O. 193-A]

REPOUTING OF FREIGHT TRAFFIC BETWEEN YORK AND REFORM, ALA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of April, A. D. 1944.

Upon further consideration of Service Order No. 193 of April 3, 1944, and good cause appearing therefor: It is ordered,

Service Order No. 193 of April 3, 1944, directing the Alabama, Tennessee & Northern Railroad Corporation (John T. Cochrane, Jr., Trustee) to reroute traffic over its line because of high water on the Tombigbee River be, and it is hereby, vacated and set aside. (40 Stat. 101, secs. 402, 418, 41 Stat., 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17),

It is further ordered. That this order shall become effective at 6:00 p. m., April 10, 1944; that copies of this order and direction shall be served upon the Alabama, Tennessee & Northern Railroad Corporation (John T. Cochrane, Jr., Trustee) and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL. Secretary.

[F. R. Doc. 44-5106; Filed, April 11, 1944; 11:07 a. m.]

[S. O. 194, Amdt. 1]

UNLOADING OF COAL AT CLEARFIELD, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of April, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 194, and it appearing that five (5) cars containing coal ordered to be unloaded at Clearfield, Pa., were described as being billed to Louis Gullotta, Clearfield, Pa., on the New York Central Railroad Company, whereas such cars were actually billed to Louis Gullotta, Port Reading Piers, New Jersey, and were stopped and held at Clearfield on orders of Cassler Coal Sales Agency.

It is ordered, That:

Paragraph (a) of Service Order No. 194 be, and it is hereby, amended so as to describe the five (5) cars of coal ordered to be unloaded at Clearfield, Pa., on the New York Central Railroad Company as follows: Five (5) cars of coal billed to Louis Gullotta, Port Reading Piers, New Jersey, stopped and held at Clearfield, Pa., on orders of Cassler Coal Sales Agency. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective immediately and that a copy of this amendment shall be served upon the New York Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Reg-

By the Commission, Division 3. [SEAL] W. P. BARTEL. Secretary.

[F. R. Doc. 44-5109; Filed, April 11, 1944; 11:09 a. m.]

[S. O. 178, General Permit 7]

REFRIGERATION OF DRIED OR EVAPORATED FRUITS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars for loading with dried or evaporated fruits, fig paste, fig powder, or fig pulp, or the transportation or movement of a refrigerator car or cars so loaded.

This general permit shall become effective at 12:01 a.m., April 15, 1944, and shall expire at 12:01 a. m., September 25, 1944

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register

Issued at Washington, D. C., this 10th

day of April 1944.

R. S. BOOTH, Acting Director.

[F. R. Doc. 44-5105; Filed, April 11, 1944; 11:07 a. m.]

[S. O. 178, General Permit 8]

REFRIGERATION OF PARAFFIN WAX

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars for loading with paraffin wax, or the transportation or movement of a refrigerator car or cars so loaded.

This general permit shall become effective at 12:01 a.m. May 1, 1944, and shall expire

at 12:01 a. m., September 20.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of April 1944.

> R. S. BOOTH, Acting Director.

[F. R. Doc. 44-5107; Filed, April 11, 1944; 11:07 a. m.]

[Ex Parte MC-37]

COMMERCIAL ZONES AND TERMINAL AREAS NOTICE OF INVESTIGATION

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 31st day of March, A. D. 1944.

The Division having under consideration (1) the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, within municipalities, contiguous municipalities, and the zones adjacent to and commercially a part of such municipalities, (2) the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, in the performance of transfer, collection, and delivery service for motor carriers subject to part II of the Act within the terminal areas of such motor carriers, and (3) the transportation of property by motor vehicle, in

interstate or foreign commerce, in the performance of transfer, collection, and delivery service by or for freight forwarders subject to part IV of the Act within the terminal areas of such freight forwarders; and good cause appearing

It is ordered, That an investigation be, and it is hereby, instituted into the transportation described in the next preceding paragraph (1) for the purpose of determining the municipalities, contiguous municipalities, and zones adjacent to and commercially a part of such municipalities throughout the United States (except those zones which have been determined heretofore in other proceedings) within which, under section 203 (b) (8) of the Act, transportation by motor vehicle, in interstate or foreign com-merce, is conditionally exempt from the provisions of part II of the Act, except the provisions of section 204 relative to the qualifications and maximum hours of service of employees and safety of operation or standards of equipment; (2) for the purpose of determining the maximum terminal areas of motor carriers subject to part II of the Act within which transportation of passengers and property by motor vehicle, in interstate or foreign commerce, in the performance of transfer, collection, or delivery service for such motor carriers is exempt, under section 202 (c) (2) of the Act, from regulation under the provisions of part II of the Act except as a part of the service to which it is incidental; and (3) for the purpose of determining the maximum terminal areas of freight forwarders subject to part IV of the Act within which transportation of property by motor vehicle, in interstate or foreign commerce, in the performance of transfer, collection, or delivery service by or for such freight forwarders is exempt, under section 202 (c) of the act from regulation under the provisions of part II of the act.

It is further ordered, That the matters set forth in the next preceding paragraph be referred to an examiner for the

preparation of a proposed report.

It is further ordered, That any person desiring a copy of any reports, orders, or notices which may hereafter be adopted, entered, or issued in the proceeding shall so inform the Interstate Commerce Commission, Washington, D. C., in writing.

And it is further ordered, That notice of this order be given by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 5. W. P. BARTEL,

[F. R. Doc. 44-5108; Filed, April 11, 1944; 11:07 a. m.]

Secretary.

OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Vesting Order 2908]

MAMIE WURR

In re: Bond and mortgage owned by Mamie Wurr.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Mamie Wurr is 144 Lange Street, Ottersberg, near Bremen, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);
2. That Mamle Wurr is the owner of the

property described in subparagraph 3 hereof; That the property described as fol-

A certain mortgage executed by Fannie Busky, as mortgagor, in favor of Edna Otten, as mortgagee, on November 30, 1939, and re-corded in the Recorder's Office, Kings County, New York in Liber 8419 of Mortgages, Page 515, which mortgage was assigned to Mamie Wurr by Edna Otten by an unrecorded Assignment of Mortgage dated December 12, 1939 and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforementioned mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

is property within the United States owned

or controlled by a national of a designated enemy country (Germany); And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 44-5066; Filed, April 10, 1944; 11:23 a. m.]

[Supplemental Vesting Order 2954]

YOSHIHARU YOKOMIZO

In re: Household furnishings and personal effects, and property insurance policy owned by Yoshiharu Yokomizo.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found, by Vesting Order Number 969, dated March 1, 1943, as amended, that Yoshiharu Yokomizo is a national of a designated enemy country (Japan);
2. Having vested, by said Vesting Order Number 969, as amended, certain real proposition of the property of the propert

erty particularly descibed therein, which property was owned by Yoshiharu Yokomizo on March 1, 1943;

Finding that Yoshiharu Yokomizo is the owner of the property described in sub-paragraph 4 hereof;

4. Finding that the property described as

a. Those certain household furnishings and personal effects particularly described in Exhibit A1 attached hereto and by reference made a part hereof, presently located in the premises known as 670 32d Street, Oakland,

California, and b. All right, title and interest of Yoshiharu Yokomizo in and to insurance policy number 291747 issued by the United States Fire Insurance Company of New York, which policy covers the real property referred to in subparagraph 2 hereof and the household furnishings and personal effects described in subparagraph 4 hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraph 4-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property referred to in subparagraph 2 hereof and that property described in subparagraph 4-a property described in subparagraph 4-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order.

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consul-

tation and certification required by law, and deeming it necessary in the national in-

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall

Filed as part of the original document.

not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on Jan-

uary 15, 1944.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 44-5067; Filed, April 10, 1944; 11:23 a. m.]

[Supplemental Vesting Order 3172]

### RICHARD C. NICKELSEN

In re: Securities, life insurance policy and compensation certificate, and bank account owned by Richard C. Nickelsen.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found, by Vesting Order Number 1599, dated June 3, 1943, as amended, that Richard C. Nickelsen is a national of a desig-

nated enemy country (Germany);

2. Having vested, by said Vesting Order
Number 1599, as amended, certain real property which was, on June 3, 1943, owned by Richard C. Nickelsen;

3. Finding that Richard C. Nickelsen is the owner of the property described in subparagraph 4 hereof;

Finding that the property described as

- a. 20 units composite fund, series A, Brooklyn Trust Company, evidenced by Certificate Number G-21; 5 shares capital stock, Brooklyn Trust Company, evidenced by Certificate Number 9421: 10 shares capital stock, Flat-bush National Bank of Brooklyn, in New York, evidenced by Certificate Number 122; 25 shares stock, Irving Trust Company of New York, evidenced by Certificate Number 052407; Liquidation receipt dated January 25, 1935, representing an undivided 12/90,000 interest in the distribution of the proceeds of the liquidation of the Liberty National Bank and Trust Company of New York; 25 shares capital stock, Bullet Proof and Non-shatterable Glass Corporation, evidenced by Certifi-cate Number 2080; 15 shares stock Durant Motors, Inc., evidenced by Certificate Num-ber 194304;
- b. United States Government Life Insurance Policy Number K21804, a 20 year endowment policy which matured July 1, 1939; United States of America Adjusted Service Certificate Number 2662765 maturing June
- c. That certain bank account with the Brooklyn Trust Company, Brooklyn, New

York, the proceeds of which account is evidenced by check number AJ-27715; and

d. All dividends paid or payable thereon or other proceeds thereof from the time such property or any of it was taken into the possession of the Alien Property Custodian, all of which property was in the possession of the Brooklyn Trust Company, Brooklyn, New York, until it was taken into the possession of the Alien Property Custodian,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a desig-

nated enemy country (Germany);
And further determining that the property described in subparagraph 4 hereof is necessary for the maintenance or safeguarding of the property referred to in subpara-

graph 2 hereof;

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States, and hereby ratifies all acts of any of his employees. agents or representatives by which any of such property was taken into the possession of the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allow-

ance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 15, 1944.

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 44-5068; Filed, April 10, 1944; 11:23 a. m.]

[Vesting Order 3237]

MARIE SOPHIE WILHELM AND HEINRICH WILHELM WELP

In re: Interests in real property and property insurance policies, and a claim owned by Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette, is Barnsdorf, County of Diepholz, Province of Hanover, Germany, and that they are citizens and residents of Germany and nationals of a designated enemy country (Germany);
2. That Marie Sophie Wilhelm and Heinrich

Wilhelm Welp, also known as Heinrich Wilhelm Schuette, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: a. The undivided one-half interest, identified as the interest which was inherited from Dorothy W. Schuette, also known as Dorothee W. Schuette, deceased, by Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette, in and to the real property situated in the City of Pittsburgh, Allegheny County, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits. or other payments arising from the ownership

or other payments arising from the ownership of such property, and b. All right, title, interest and claim of Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette, and each of them, in and to the fire, windstorm, and explosion policy No. 974827, issued by the American Insurance Company of Newark, New Jersey; the fire, windstorm, and explosion policy No. 892341, issued by the United Firemen's Insurance issued by the United Firemen's Insurance Company of Philadelphia, Pennsylvania; and the war damage insurance policy No. 261–69– 254, issued by the War Damage Corporation, insuring the real property described in Exhibit A, attached hereto and by reference made a part hereof; and
c. All right, title, interest and claim of any

name or nature whatsoever of Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Marie Sophie Wilhelm and Heinrich Wilhelm Welp, also known as Heinrich Wilhelm Schuette, by the Allegheny Trust Company of Pittsburgh, Penn-sylvania, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany); And determining that the property de-

scribed in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safe-guarding of other property (namely, that property in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires

that such persons be treated as nationals of a designated enemy country (Germany); And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute and admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 26, 1944.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

# EXHIBIT A

All that certain lot or piece of ground situate in the 26th Ward, City of Pittsburgh, County of Allegheny and State of Pennsylvania, being Lot Numbered One (1) and part of Lot Numbered Two (2) in the Plan of Miller and McCain, as recorded in Plan Book Vol. 11, page 5, and being bounded and de-

Vol. 11, page 5, and being bounded and described as follows, to wit:

Beginning at the northeasterly corner of Burgess Street and Merritt Avenue (formerly Maple Avenue); and extending thence along the Northerly line of said Burgess Street, North 79°41' East, eighty-nine and thirty-one one-hundredths (89.31) feet, to a point: thence North 57°13' West, eighty-five and seventy-four one-hundredths (85.74) feet, to the Easterly line of said Merritt Avenue, thence along said Merritt Avenue, South 32°47' West, ten (10) feet, to the dividing line common to said Lots Numbered One (1) and Two (2); and thence still along the line of said Merritt Avenue, South 10°52' West, fiftyfive (55) feet to the place of beginning.

five (55) feet to the place of beginning.
Having erected thereon a two-story and
Mansard frame dwelling house.

Being the same premises which Edward Krebs, widower, by deed dated April 2, 1923, and recorded in the Recorder's Office of Allegheny County in Deed Book Volume 2142, page 508, granted and conveyed to Harry D. McRoberts and Alice J. McRoberts, his wife, parties of the first part hereto.

[F. R. Doc. 44-5069; Filed, April 10, 1944;

[Supplemental Vesting Order 3427]

# AMEROP TRAVEL SERVICE, INC.

In re: Amerop Travel Service, Inc. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 144, dated September 8, 1942, that Amerop Travel Service, Inc., is a business enterprise within the United States and a national of a designated enemy country (Germany);

a designated enemy country (Germany);
2. Finding that C. J. Duncker has a claim against Amerop Travel Service, Inc., which claim, as of January 25, 1944, amounted to \$24,444.38, subject, however, to any accruals or deductions subsequent thereto, and represents an interest in Amerop Travel Service, Inc.:

 Finding that C. J. Duncker, whose last known address is Germany, is a national of a designated enemy country (Germany):

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the interest of C. J. Duncker in Amerop Travel Service, Inc., amounting to \$24,444.38 and represented on the books and records of Amerop Travel Service, Inc., as an account payable, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in

section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 5, 1944.

[SEAL]

James E. Markham, Alien Property Custodian.

[F. R. Doc. 44-5070; Filed, April 10, 1944; 11:23 a. m.]

[Vesting Order 91, Amdt.]

# KATAKURA CORPORATION

In re: Katakura Corporation. Vesting Order 91, dated August 6, 1942, is hereby amended as follows and not otherwise:

By deleting the following paragraph thereof:

998 shares of \$100 par value common capital stock of Katakura Corporation, a New York corporation, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses of shares
Katakura and Company, Ltd., a Japanese corporation, Tokyo, Japan 991
Buhichi Komura, Japan 1
Masuo Kobayashi, Japan 1
Yasuto Ariga, Japan 1
Senzo Usui, Japan 1
Eiki Yano, Japan 1
Takeshi Baba, Japan 1
Masumi Hanaoka (alien detention camp) 1
Total 998

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

and by substituting therefor the following paragraph:

998 shares of the outstanding \$100 par value common capital stock of Katakura Corporation, a New-York corporation, which is a business enterprise within the United States, and which are registered in the names of the persons listed below and are beneficially owned by Katakura & Co., Ltd., a Japanese corporation whose last known address is Tokyo, Japan:

	iver	
Name of sh	ares	
Katakura & Co., Ltd	991	
Buhichi Komura	1	
Masuo Kobayashi	1	
Yasuto Ariga	1	
Senzo Usui		
Eiki Yano	1	
Takeshi Baba	1	
Masumi Hanaoka	1	
	1111111	
Total	998	

is property of a national, and represents control of said business which is a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Allen Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

All other provisions of such Vesting Order Number 91 and all action taken on behalf of the undersigned in reliance thereon pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 5, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-5071; Filed, April 10, 1944; 11:24 a. m.]

[Vesting Order 813, Amdt.] Fuji Trading Co.

In re: The Fuji Trading Company.
Vesting Order 813, dated February 2,
1943, is hereby amended as follows and
not otherwise:

By deleting from the title and subparagraph 2 of said order the name "Fuji Trading Company, Inc." and substituting therefor the name "The Fuji Trading Company".

All other provisions of said Vesting Order Number 813 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on i

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 44-5072; Filed, April 10, 1944; 11:24 a.m.]

ORDER FOR AND NOTICE OF HEARING KARL FELLER-SCHLOEMANN ENGINEERING CO.

In the matter of Karl Feller-Schloemann Engineering Corporation.

Whereas, by Vesting Order No. 2953, dated January 15, 1944 (9 Fed. Reg. 915), the Alien Property Custodian vested, among other things, the following described property:

All the issued and outstanding capital stock of Schloemann Engineering Corporation, a corporation organized under the laws of the State of Delaware and a business enterprise within the United States and consisting of 5,000 shares of no par value stock, registered in the name of Karl Feller.

Whereas, Karl Feller has filed Notice of Claim No. 1931 which claim appears to assert that the said Karl Feller is the owner of said stock and that he is not a national of a designated enemy country.

Now therefore, It is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian, as amended (8 Fed. Reg. 16709), that a hearing on said claim be held before the Vested Property Claims Committee or any member or members thereof on Monday, April 24, 1944, at 10:00 a. m., eastern war time, at the office of the Alien Property Custodian, National Press Building, Room 633, Washington (25), D. C., to continue thereafter at such time and place as the Committee may determine.

It is further ordered, That copies of this notice of hearing be served by registered mail upon the claimant and upon the person designated in paragraph 2 of the said notice of claim, and be filed with the Division of the Federal Register.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington (25), D. C., on or before April 19, 1944.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

Dated: April 8, 1944.

[SEAL] VESTED PROPERTY CLAIMS
COMMITTEE.
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.
NUGENT DODDS.

[F. R. Doc. 44-5073; Filed, April 10, 1944; 11:24 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-883]

BUFFALO, NIAGARA AND EASTERN POWER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of April 1944. Notice is hereby given that an appli-

Notice is hereby given that an application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Buffalo, Niagara and Eastern Power Corporation (Buffalo Niagara), a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company.

Notice is further given that any interested person may, not later than April

25, 1944, at 10:00 a.m., e.w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transaction therein proposed, which is summarized below:

Buffalo Niagara has made cash advances from time to time, on open account, to its wholly-owned subsidiary, The Lockport and Newfane Power and Water Supply Company (Lockport) for additions and betterments to its electric plant and for other corporate purposes. Since 1939 the unpaid balance of such advances has been, and now is, \$285,000, and it is stated that Lockport is not in a cash position to pay all or any substantial part of said balance. Buffalo Niagara now proposes, subject to a satisfactory closing agreement with the Commissioner of Internal Revenue, to forgive any and all obligations arising out of the indebtedness of \$285,000 in order that Lockport may conserve its cash and strengthen its financial condition. Upon the elimination of said indebtedness as proposed, Buffalo Niagara further proposes to increase the carrying value of its investments in the common stocks of subsidiary companies by a like

By the Commission,

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 44-5113; Filed, April 11, 1944; 11:36 a. m.]

WAR FOOD ADMINISTRATION.

Farm Security Administration.

INDIANA AND TEXAS

DESIGNATION OF LOCALITIES FOR LOANS

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations.

A description of the localities and the determination of value for each follow:

# REGION III-INDIANA

#### DEARBORN COUNTY

Locality I: Consisting of Caesar Creek Township; \$4,288.

Locality II: Consisting of Center Township; \$7,369.

Locality III: Consisting of Clay Township; \$3,869.

Locality IV: Consisting of Harrison Township; \$4,333.

Locality V: Consisting of Hogan Township; \$5,192. Locality VI: Consisting of Jackson Town-

ship; \$3,178.

Locality VII: Consisting of Kelso Township; \$3,386.

Locality VIII: Consisting of Lawrenceburg Township; \$7,499. Locality IX: Consisting of Logan Town-

Ship; \$3.719.
Locality X: Consisting of Manchester
Township; \$3.930.
Locality XI: Consisting of Miller Town-

ship; \$4,432.

Locality XII: Consisting of Sparta Township; \$3,129.

Snip; \$3,129.

Locality XIII: Consisting of Washington
Township; \$6,365.

Locality XIV: Consisting of York Township; \$4,618.

# LAWRENCE COUNTY

Locality I: Consisting of the townships of

Bono, Marion, and Shawswick; \$4,496.
Locality II: Consisting of the townships
of Guthrie, Indian Creek, Marshall, Perry,
Pleasant Run, and Spice Valley; \$2,843.

## REGION VIII-TEXAS

#### HILL COUNTY

Locality I: Consisting of precincts 1, 2, 3, and 8; \$7,144.

Locality II: Consisting of precincts 4, 6, and 7; \$3.697.

Locality III: Consisting of precinct 5;

The purchase price limits previously established for the counties abovementioned are hereby cancelled.

Approved April 4, 1944. FRANK HANCOCK,

Administrator.

[F. R. Doc. 44-5112; Filed, April 11, 1944; 11: 22 a. m.]